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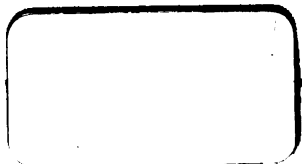
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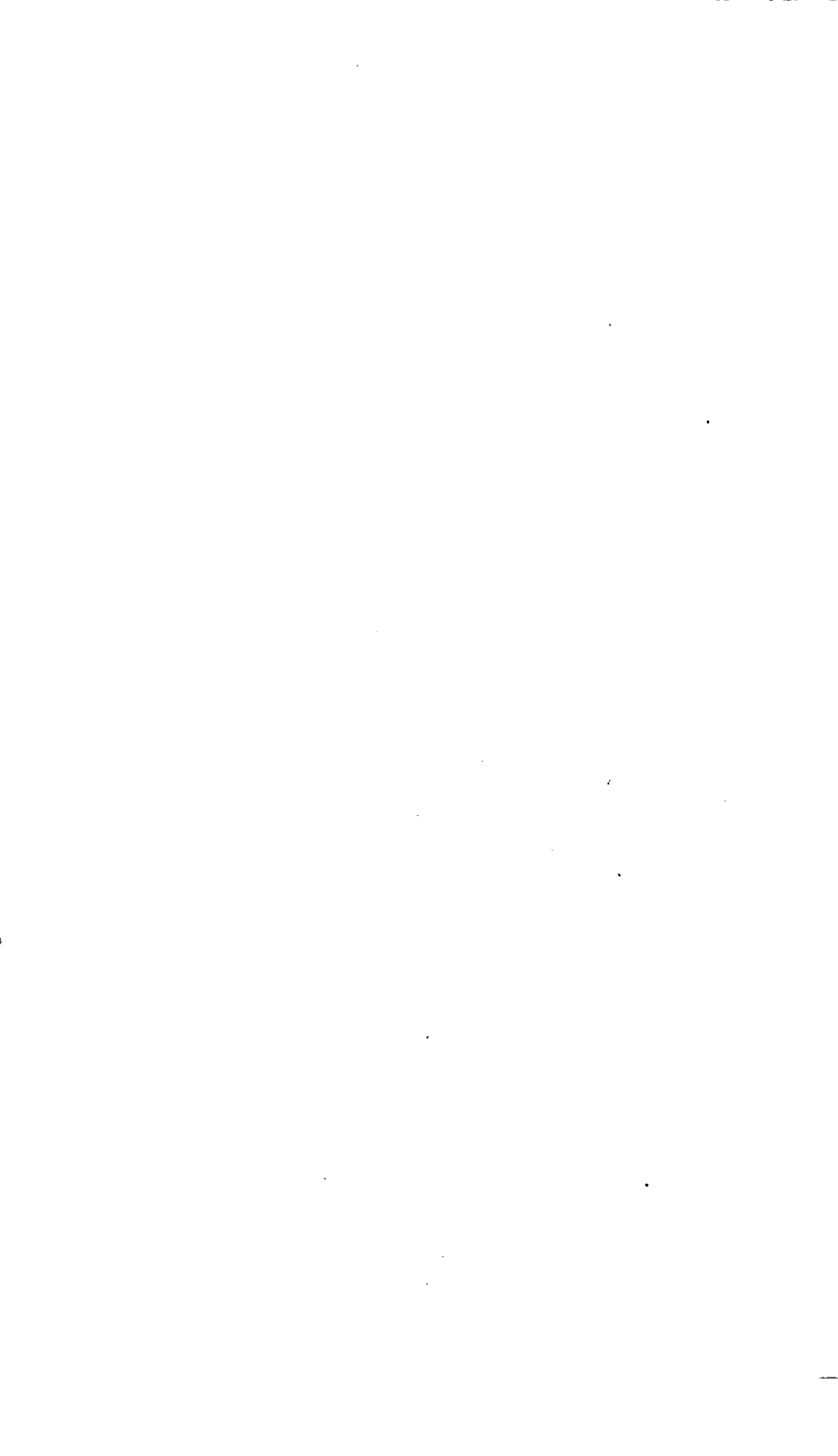
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A C T S

OF THE

STATE OF TENNESSEE,

PASSED AT THE

SECOND ADJOURNED SESSION

OF THE

Thirty-fourth General Assembly,

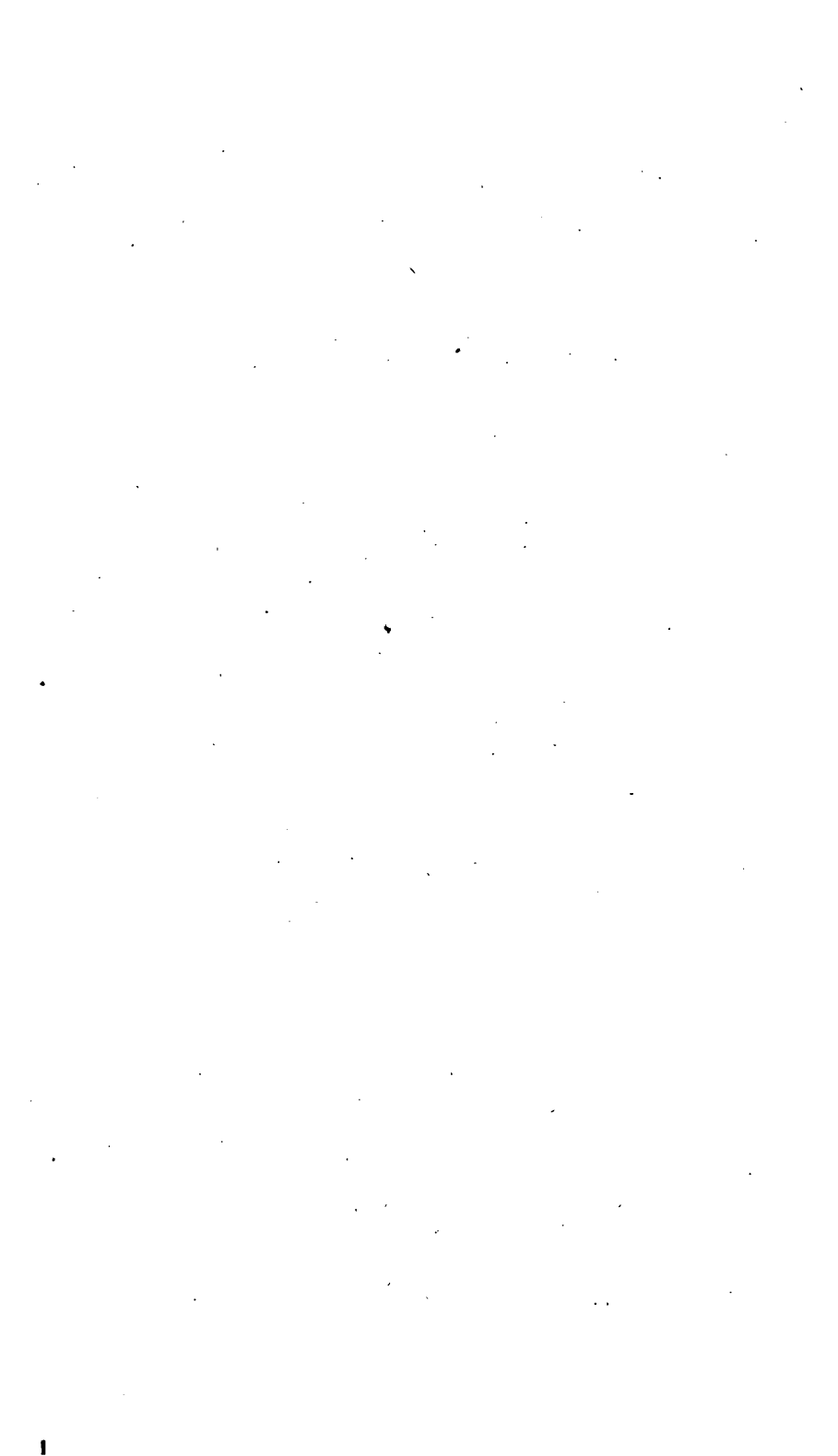
FOR THE YEARS 1866-67.

PUBLISHED BY AUTHORITY.

NASHVILLE, TENN.:

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1866.



PUBLIC ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE.

PASSED AT THE SECOND ADJOURNED SESSION OF THE
THIRTY-FOURTH GENERAL ASSEMBLY, WHICH WAS BE-
GUN AND HELD AT NASHVILLE, ON MONDAY, THE
FIFTH DAY OF NOVEMBER, IN THE YEAR ONE THOUS-
AND EIGHT HUNDRED AND SIXTY-SIX.

CHAPTER I.

AN ACT to amend the Criminal Laws of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be a misdemeanor to commit a nuisance upon or in the Capitol, or in or upon any of the stairways thereof; and any person or persons committing such nuisance, upon conviction thereof, shall be fined in a sum not less than five dol-^{Fine.} lars, or more than twenty dollars, at the discretion of the Court trying the same; and it is hereby made

Duty of Superintendent of Capitol. duty of the Superintendent of the Capitol, and he shall cause to be arrested, any person or persons committing such nuisance, and bring him or them before the proper tribunal for trial and punishment.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 14, 1866.

CHAPTER II.

AN ACT to amend An Act passed November 23, 1865, entitled "An Act to amend An Act passed February 11, 1862," entitled "An Act to establish a system of Internal Improvements."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Act of November 23d, 1865, be so amended that all Railroad Companies in this State accepting or receiving any benefit from the provisions of said Act, shall thereby be held to accept and assent to the following limitations to its rate of charges for freight or passengers, to the same extent as if the same had been originally fixed in the charter of such Railroad Companies, to wit:

Rate of charges. The cost of transportation or conveyance shall not exceed thirty-five cents (35 cts.) per hundred pounds, on heavy articles, and ten cents (10 cts.) per cubic foot for articles of measurement for every hundred miles, and five cents (5 cts.) per mile, for every passenger.

SEC. 2. *Be it further enacted*, That this Act shall take effect from the date of its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 19, 1866.

CHAPTER III.

AN ACT to compensate Justices of the Peace and Jurors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Justices of the Peace of the State attending quarterly Courts of their respective counties, shall be entitled to, and receive two dollars per diem for their attendance; and all jurors attending at such, shall be entitled to, and receive two dollars per diem for their attendance. All mileage as heretofore. Two dollars per diem.

SEC. 2. *Be it enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 21, 1866.

CHAPTER IV.

AN ACT to change the time of holding the Chancery Court at Somerville, Tenn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court of Somerville, Tennessee, shall hereafter be held on the second Monday in May, and first Monday in November, except that the first term of this Court shall be held as heretofore. Time.

SEC. 2. *Be it enacted*, That hereafter the Chancery Court shall be holden at Smithville, De Kalb county, on the first Tuesday after the second Monday in March and September, and at Sparta, White county, on the third Monday in March and September, and that all laws, to the contrary, are hereby repealed. Smithville.

SEC. 3. *Be it enacted*, That the time of holding the

Cannon Co. Chancery Courts of Cannon County, be changed from the first Monday after the fourth Mondays in March and September, to the first Wednesdays before the second Mondays in April and October.

SEC. 4. *Be it enacted*, That the Chancery Courts for the 5th Chancery District shall hereafter be held at the following times and places, to wit:

At Centreville, for the county of Hickman, on the second Mondays in March and September.

At Charlotte, for the county of Dickson, on the third Mondays in March and September.

**Fifth Chan-
cery District.** At Waverly, for the county of Humphreys, on the fourth Mondays in March and September.

At Lexington, for the county of Henderson, on the first Mondays in April and October.

At Purdy, for the county of McNairy, on the second Mondays in April and October.

At Savannah, for the county of Hardin, on the third Mondays in April and October.

At Waynesboro', for the county of Wayne, on the fourth Mondays in April and October.

At Lawrenceburg, for the county of Lawrence, on the first Mondays in May and November.

At Decaturville, for the county of Decatur, on the first Mondays in June and December.

At Linden, for the county of Perry, on the second Mondays in June and December. And that this act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 23d, 1866.

CHAPTER V.

AN ACT to define the qualification of Jurors of this State.

Voter. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all trials of civil or criminal cases in any of the courts of this State, it

shall be good ground of challenge for causes as to competency of any juror, that such juror is not a qualified voter of this State.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage, and all laws in conflict with the provisions of this Act, are hereby repealed.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 26th, 1866.

CHAPTER VI.

AN ACT to enhance the value and security of the State Mortgages.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That County Courts may levy and collect a tax for the purpose of grading and improving public highways intersecting with any railroad Tax in this State, running through such County, upon which the State has a mortgage.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 26, 1866.

CHAPTER VII.

AN ACT to give further time to perfect titles to lands in this State.

Two years. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the further time of two years, and until the next regular session of the General Assembly of the State of Tennessee, be given to all persons to make surveys and perfect titles to lands upon all entries made prior to the passage of this Act ; and that this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 5th, 1866.

CHAPTER VIII.

AN ACT in relation to the First Chancery District.

Union Co. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Union be, and the same is hereby attached to the Eighth Chancery District; and that this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 6th, 1866.

CHAPTER IX.

AN ACT to change the line of Hawkins and Hancock Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between Hawkins and Hancock counties be so changed as to include Hiram Herd's Mill and tract of land in Hancock County. Herd's Mill
and Land.

SEC. 2. *Be it enacted*, That the county line between the counties of Roane and Monroe be so located as to include Carmichael's Island, in the Tennessee River, above Loudon, in Roane County. Roane and
Monroe
Counties.

SEC. 3. *Be it enacted*, That the county line between the counties of Campbell and Scott, be so changed as to include the lands on which John Patterson, Austin L. Keath, William Cross, William Keatherly, John McGee, Henry Goodman, James McGee, and William Thompson, in the county of Campbell; also, the farm formerly owned by Ewil Smith, now owned by Riley and Jacob Queener, in Campbell County. Campbell and
Scott.

SEC. 4. *Be it enacted*, That the county line between the counties of Bedford and Marshall be so changed as to include all of the lands of Thomas W. Brents, in Marshall County; and that this Act shall take effect from and after its passage. Bedford and
Marshall.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 6, 1866.

CHAPTER X.

AN ACT to amend An Act entitled "An Act to change the County line between the counties of Polk and Bradley." Passed March 19, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County line between the counties of Polk and Bradley be so extended in a

southern direction along the second range east of the basis line of the Ocoee District, one half mile further than it now runs; thence south seventy degrees east, to the original County line between the counties of Polk and Bradley, so as to include the lands of Alexander Cavitt, and of J. D. A. Davidson, in the County of Polk. And that this Act shall take effect from and after its passage.

Lands of Cavitt and Davidson.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 6, 1866.

CHAPTER XI.

AN ACT Directory to the Revenue Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Commissioners of the Revenue of each County in the State are hereby required to ascertain the number of mutes and blind persons in their respective districts, and report the same to the Clerk of the respective County Courts of the State, and the said Clerks to furnish the Comptroller of the State with the number in their respective counties; and in which report, the Commissioners shall give the full name and exact or probable age of each mute and blind person; also, the name of his or her parents or parent, guardian, or next friend; the probable amount of property owned, if any, and his or her nearest post-office address, together with such other information as the said commissioners may think necessary.

Duty of Commissioners.

SEC. 2. *Be it enacted,* That the Clerks of the several county courts shall also annually furnish the Trustees of the Deaf and Dumb Asylum, at Knoxville, and the Trustees of the Blind Asylum at Nashville, with the list of mutes and blind persons of their respective counties; and other information as presented in the first section of this Act; and that the Comptroller

County Court Clerks.

troller shall publish with his annual report, the list, as required by the first section as aforesaid.

SEC. 3. *Be it further enacted*, That for each failure on the part of the Clerks and Revenue Commissioners to comply with the provisions of this Act, they shall be fined in the sum of fifty dollars each, to be recovered before the proper authorities, by any person who may sue for the same; and that this act shall take effect from and after its passage. Fine of \$50.00

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 7, 1866.

CHAPTER XII.

AN ACT to amend An Act passed January 18, 1866, entitled "An Act to establish a system of Internal Improvements," passed February 11, 1862.

Whereas, The Memphis and Ohio R. R. Co., and the Mississippi and Tennessee R. R. Co. are without either passenger or freight depots at Memphis, and the former at many stations along the line of Road, and also, that said Roads are now much in need of from five to six locomotives each, to do the business offered along their respective lines, besides, owing the Government of the United States a large amount for stock bought, and in view of the fact that said Roads have at all times promptly paid all interest when due, upon all bonds loaned by the State, (except during the war,) and that they pledge in the future as in the past, to promptly meet all interest due on bonds loaned, or that may be loaned. *And whereas*, by the additional loan asked, the Roads may be put in first-class condition to do the business of the country through which they pass, to the better satisfaction of the people, besides the better protecting the interest of the State in said Roads; and further, that without said additional aid asked, the

Roads' receipts for want of equipment, may be insufficient to meet current expenses of operating—pay the interest on State bonds, and the debt to the General Government. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State be authorized and directed to issue the Bonds of the State bearing six per cent. interest, with coupons attached, similar in every respect to the bonds issued under the Act this is intended to amend, and upon the same penalties and conditions.

Gov. to issue
Bonds.

M.&O.R.R.Co. To the Memphis and Ohio Rail Road Company, (\$200,000) two hundred thousand dollars.

M.&T.R.R.Co. To the Mississippi and Tennessee Rail Road Company (\$150,000) one hundred and fifty thousand dollars.

SEC. 2. *Be it further enacted*, That the proceeds of said Bonds shall only be used for building depots, paying for locomotives, and the debt due the General Government.

SEC. 3. *Be it further enacted*, That the sum of three hundred thousand dollars be, and the same is hereby appropriated to the Knoxville and Charleston Rail Road, known as the Rabun Gap Rail Road:

C. C. G. & C. R. R. To the Cincinnati, Cumberland Gap and Charleston Rail Road Co., five hundred thousand dollars, (\$500,000.)

E.T.&V.R.R. To the East Tennessee and Virginia Rail Road Co., three hundred thousand dollars, (\$300,000.)

K. & K. R. R. To the Knoxville and Kentucky Rail Road Co., five hundred thousand dollars, (\$500,000.)

N.&N.W.R.R. To the Nashville and North-Western R. R. Co., two hundred thousand dollars, (\$200,000); and to the

W. & A. R. R. Winchester and Alabama R. R. Co., one hundred and fifty thousand dollars, (\$150,000;) and that the Governor is hereby authorized to issue the Bonds of the State for the same, according to the laws made and provided in similar cases.

SEC. 4. *Be it further enacted*, That Bonds of the State to the amount of one hundred thousand dollars, be issued to the Atlantic, Tennessee and Ohio Rail Road Company, for the construction and completion of their road as far as the same is situated in the County of Johnson, and State of Tennessee. Also, that Bonds of the State to the amount of one hundred and fifty thousand dollars, be issued to the East Tennessee and Western North Carolina Rail Road Company, for the completion of their road upon the same terms as provided by the foregoing Act.

A.T.&O.R.R.

E. T. & W. N.
C. R. R. Co.

SEC. 5. *Be it further enacted,* That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 10, 1866.

CHAPTER XIII.

AN ACT for the Relief of the Bondholders of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any of the outstanding bonds of the State of Tennessee shall have become impaired in marketable value by irregular or improper indorsements, or from being improperly filled up, or from partial defacement or mutilation, it shall be the duty of the Governor to issue to the holder a new bond of the current series, in lieu of each bond so impaired in marketable value, taking up the bond in lieu of which such new bond may be issued. *Provided,* that the books of the Secretary of State and Comptroller shall show that the bond so taken up and received, was regularly issued, and that the State is bound for its payment; and, *provided,* that such bond is not so mutilated as to destroy its identity and binding character; *provided, further,* that whenever any bond, above referred to, shall be made payable to order, or shall be payable to any person, persons, or corporation on the face of the bond, and said bond shall be so presented by any person other than the payee in the bond, the person or corporation so presenting the bond shall show that he is the transferee, and lawful owner thereof.

Duty of Governor.

Sec'y of State and Comptroller.

SEC. 2. *Be it further enacted,* That upon the issuance of any new bond, under the preceding section of this act, a receipt for the same shall be given upon the books of the Secretary of State, in which the transaction shall appear at large, and the Secretary of

Same.

State shall deliver the old bond or bonds so received, to the Comptroller, taking his receipt for the same; and it shall be the duty of the Comptroller to proceed at once to cancel such bond or bonds, in the same manner that the paid bonds of the State are now by law required to be cancelled.

**Bonds with-
out Coupons,
or printed
with type.**

Publication.

Expense.

SEC. 3. *Be it further enacted*, That the holder of any of the outstanding bonds of the State which may be without coupons, or which may be printed with type, and not engraved, may receive, under the provisions of this law, new bonds of the present series, falling due in 1892, in lieu thereof; *provided*, that the first coupon attached to the new bond so issued shall fall due at the same time that the first interest may be due upon the bond so taken up and received; and that the Comptroller make publication of all such bonds cancelled, describing them fully by number, date and amount; *provided*, however, that the bondholder shall pay the expenses incident upon the Comptroller's advertising the bonds contemplated in this act; *provided*, that the entire expense of issuing new bonds, to take up the defaced and other bonds, provided for in this act, shall be paid by the bondholder; *provided*, this provision does not refer to registered bonds.

Sec'y of State.

SEC. 4. *Be it further enacted*, That it shall be the duty of the Secretary of State to copy the book of receipts for the bonds of the State, issued by the Governors of the State, so as to show the different classes and series of bonds in the order of their issuance, with an index, and it shall be his duty to deposit the original in the office of the Comptroller of the State.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 12th, 1866.

CHAPTER XIV.

AN ACT to expedite the distribution of the effects of Banks which have or may make assignments among their creditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any of the Banks of this State have, or may hereafter make assignments for the benefit of their creditors, it shall be the duty of the trustees appointed by the deed or a Court to execute the same, to fix a time, which shall not be less than two years, in which all claims against the Bank, and provided for by the deed, shall be presented for payment, after the expiration of which time all the effects of the Bank shall be distributed and paid over as fast as realized, ratably, to the creditors whose claims shall have been presented according to the provisions of the assignment, and all others shall be forever barred; of which time so fixed and limited, public notice shall be given by the trustee in at least one of the newspapers in the cities of Knoxville, Nashville, and Memphis, during all the time allowed for the presentation of claims. Two years' time.

SEC. 2. *Be it further enacted*, That if the bills of the Bank are presented for payment within the time prescribed, the Trustee shall receive the same on deposit, and issue certificates for the amount, which shall entitle the holder to his ratable portion of any fund that may be at any time distributed to the noteholders. The said certificate shall also be taken in payment of any debt due to the Bank, for the full amount thereof, in the same manner that the notes for which it was given would be received. Certificates.

SEC. 3. *Be it enacted, Provided* that nothing in this Act be so construed as to apply to the Bank of Tennessee.

SEC. 4. *Be it further enacted*, That this Act shall be in force from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 12, 1866.

CHAPTER XV.

AN ACT to change the time of holding the Chancery Courts in the First Chancery District, in the State of Tennessee.

When to be held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Chancery Court for the county of Hawkins shall be held on the first Mondays of March and September; for the county of Hancock, on the second Monday of March, and the third Monday of August; for the county of Carter, on the third Mondays of March and September; for the county of Johnson, on the fourth Mondays of March and September.

Union Co.

SEC. 2. *Be it further enacted*, That the county of Union be, and the same is hereby transferred to the Eighth Chancery District of Tennessee.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 13, 1866.

CHAPTER XVI.

AN ACT to supply an Index to Grant Books.

Duty of State Librarian.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State Librarian make an Index to the Grant Books in said office, containing all the grants issued by the Register of the Land Office of West Tennessee, and based upon warrants and certificates, between the years 1807 and 1846, inclusive; the said index to give the number of grant, name of grantee, description of situation where said land lies, date of grant, and the page and number of folio where said grant is recorded in.

SEC. 2. *Be it enacted*, That said Librarian, for his services, shall receive as compensation, ten cents for

every grant so indexed, payable by the Treasurer of said State, upon a warrant of the Comptroller, and that said Comptroller is hereby authorized to issue his warrant for said compensation to said Librarian, in part or in whole, on said Librarian presenting his Index complete, or for so much of his compensation as called for by the numbers of said Index; and that the cost of material and binding the book or books containing said Index, shall be paid by the State.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 13, 1866.

CHAPTER XVII.

AN ACT Affirming the Settlement heretofore made with F. N. W. Burton, former Secretary of State, and directory to the Governor.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the settlement heretofore made with F. N. W. Burton, former Secretary of State, who was indebted to the State of Tennessee, in the sum of \$43,107 73, in which settlement, and to settle the same, George W. Burton has agreed to transfer to the Governor, Comptroller and Treasurer, for the use of the State, forty-one bonds of the said State, for \$1000 dollars each, numbered respectively, 6019, 6020, 6021, 6023, 6024, 6025, 6026, 6027, 6013, 6014, 1008, 966, 3116, 136, 741, 1784, 8567, 3658, 6060, 10725, 69, 70, 71, 11461, 67, 7790, 2175, 2176, 2177, 2183, 11068, 11695, 2182, 2184, 10981, 1284, 9650, 8817, 8819, 8818 and 9649, be, and the same is hereby affirmed; and that upon said bonds being realized, as hereinafter provided, that said Burton be released and discharged from all further liability on account of his said indebtedness. And, *whereas*, the said forty-one bonds are in the hands of Brown, Shipley & Co., of Liverpool, England; against which firm, the Governor has directed

Burton released.

Preamble.

legal proceedings to be commenced to recover said bonds; and, *whereas*, one George W. Burton, to whose order said bonds have been held subject, has given an order for the delivery of said bonds, drawn on said Brown, Shipley & Co., directing them to deliver the same to the order of the Governor, Comptroller and Treasurer of the State of Tennessee, on the payment of all costs and charges against said George W. Burton, on account of said bonds:

Legal proceedings dismissed.

SEC. 2. *Be it further enacted*, That the Governor, Comptroller and Treasurer, be, and they are hereby directed, to have said bonds delivered in accordance with the order aforesaid, and to have said legal proceedings dismissed; and the Governor be, and is hereby authorized, to have the costs and charges of said proceedings, and the reasonable charges due Messrs. Brown, Shipley & Co., paid out of the State Treasury; and the Governor will also have the fee of \$100, charged by Horace H. Harrison, Esq., for professional services in the matter, paid in the same manner.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 19, 1866.

CHAPTER XVIII.

AN ACT Amendatory to An Act, amendatory to "An Act to establish a Metropolitan Police District, and to provide for the government thereof," passed May 14, 1866.

Fines and forfeitures.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all fines and forfeitures collected at the Police Court, or from prisoners committed to the workhouse, shall be paid over to the Finance Commissioner of the Metropolitan Police District, and shall be used to defray the expenses incurred by the

Board, within the City of Memphis, toward paying the salaries of said police.

SEC. 2. *Be it further enacted*, That the Commissioners of the Metropolitan Police, the Judge of the County Court of Shelby County, and the Mayor of the City of Memphis, convened as a Board of estimate, on or before the first day of January in each year, shall make up a financial estimate of the sums required to defray the expenses of the Metropolitan Police during the current year, other than provided for in the preceding section. They shall certify to the Board of Aldermen of the City of Memphis the sum required to pay the salaries provided for in this Act, for so much of the metropolitan police force as shall be employed within the said city, but the same shall not exceed fifteen thousand dollars per month. And they shall certify to the County Court of Shelby County the sum required to defray all expenses of the force employed outside of the City of Memphis; but the same shall not exceed five thousand dollars per month. If the Board of Aldermen of the City of Memphis, or the County Court of Shelby County, shall object, by resolution, to such estimate, certified to them respectively, or to any portion thereof, and notify, or cause to be notified, the board of estimate, it shall be the duty of the latter to immediately and carefully revise the same, and consider the said objection. If the board of estimate shall adhere to its original estimate by a vote of four-fifths, or shall modify the same by a vote of the majority, then their final determination shall be binding upon the City of Memphis and the County of Shelby, respectively.

Board of Estimate to estimate expenses.

Objections to estimate.

SEC. 3. *Be it further enacted*, That the Board of Mayor and Aldermen of the City of Memphis is empowered and directed, annually, to order, or cause to be raised and collected, by a special tax upon the estates, real and personal, subject to taxation, within the said city, a sufficient sum of money to defray the sum certified by the board of estimate, to pertain to said city during the current year. The Board of Police Commissioners shall, each month, file, with the City Comptroller, a certified copy of the pay-roll of the police force employed within said city during the preceding month. Whereupon the said City Comptroller shall cause the amount so certified on said roll, to be paid over to the Finance Commissioner of the Metro-

Special Tax on property in Memphis.

politan Police District, *provided*; the same does not exceed the amount fixed by the board of estimate.

County Court
to levy special
tax.

SEC. 4. *Be it further enacted*, That the County Court of Shelby County is empowered and directed to forthwith provide for the payment of the sum certified by the board of estimate, to pertain to said county, and is empowered to levy a special tax upon the estates, real and personal, subject to taxation within the said county, sufficient to raise the amount as aforesaid. The Board of Police Commissioners, shall, each month, file with the Judge of the County Court, a certified copy of the expenses incurred during the preceding month, and chargeable by law to said county; whereupon the said County Judge shall cause the amount so certified to be paid over to the Finance Commissioner of the Metropolitan Police District; *provided*, the same does not exceed the amount fixed by the board of estimate.

Tennessee
National
Bank to be
paid.

SEC. 5. *Be it further enacted*, That the Commissioners shall take into consideration the claim for money furnished by the Tennessee National Bank to the Metropolitan Police Commissioners of Memphis, and should the fact be made to appear that said sum or sums of money was furnished, then said Commissioners shall take into consideration, and allow the same in their first estimate. And that this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 11, 1866.

CHAPTER XIX.

AN ACT Directory to the Governor of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That His Excellency, Governor Brownlow, be, and he is hereby, authorized to order

that the machinery referred to in the communication of Machinery. J. L. Orr, Governor of South Carolina, as belonging to the State of Tennessee, be brought to Nashville, Tennessee, and there to remain in his hands, subject to the future action of this Legislature.

SEC. 2. *Be it further enacted*, That the Comp-Comptroller. troller of the State issue his warrant, on the certificate of the Governor, for all freights and charges, in the removal of the machinery referred to in the first section of this Act.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed January 25, 1867.

CHAPTER XX.

AN ACT to Amend An Act passed May 8, 1865, increasing the compensation of Judges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed the 8th of May, 1865, be so amended, that each of the Judges of the Supreme Court of this State, hereafter appointed or elected, shall be entitled to a salary of thirty-five hundred dollars per annum, payable quarterly, out of the State Treasury.

SEC. 2. *Be it further enacted*, That each Chancellor, Circuit and Criminal Court Judges of this State, (except County Judges,) and Judges of Special Courts, hereafter appointed or elected, shall be entitled to a salary of twenty-five hundred dollars per annum.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed January 30, 1867.

CHAPTER XXI.

AN ACT to Amend an Act passed the 24th of July, 1866, "Amendatory to An Act to Establish a Metropolitan Police District, etc.," passed the 14th of May, 1866, and for other purposes.

Preamble.

WHEREAS, a slight clerical error occurs in the third section of An Act passed the 24th of July, 1866, amendatory to An Act to establish a Metropolitan Police District, etc., passed the 14th of May, 1866, which subjects the same to such misconstruction, as would work great detriment and injustice to the citizens of Hamilton County; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third line of section 3, of An Act passed the 24th of July, 1866, amendatory to an Act passed the 14th of May, 1866, to establish a Metropolitan Police District, etc., be so amended as to read, "Chattanooga, in Hamilton County," instead of "Chattanooga and Hamilton County," so as to conform to the wording of the original Bill, which original Bill shall only be construed as herein provided.

SEC. 2. *Be it further enacted*, That section 42, of An Act to establish a Metropolitan Police District for the City of Memphis, County of Shelby, passed the 14th day of May, 1866, be, and the same is hereby so amended as to read as follows, after the word, provided: "That there shall be but one Commissioner, whose pay shall be two thousand dollars per annum, and two sergeants, each at a salary of one thousand dollars per annum, and thirteen policemen, whose pay shall be eight hundred dollars per annum; *Provided further*, that in all cases when it may be actually necessary to maintain peace and good order in the city, as provided in the original charter, it shall be the duty of the Metropolitan Police Commissioner for the City of Chattanooga, to call to his assistance such number of the good citizens of the city or county, as may be required to execute the provisions of this Act, at a compensation of three dollars per day; and such parts of section 42 of An Act passed the 14th of May, 1866, to establish a Metropolitan Police District, etc.; and such parts of An Act passed the 24th of July, 1866, amendatory thereto, as are in conflict with the letter and spirit of

Comis'rs may
summon cit-
izens.

this Act, is hereby repealed; and this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 8, 1867.

CHAPTER XXII.

AN ACT to Amend An Act passed November 23, 1866, entitled "An Act to amend An Act entitled 'An Act to establish a system of Internal Improvements in the State,' passed the 11th day of February, 1852."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the year 1867, in sections 6 and 7, in An Act passed November 23, 1865, entitled, "An Act to amend An Act, entitled 'An Act to establish a system of Internal Improvements in the State,' passed the 11th day of February, 1852," be, and the same is hereby changed to eighteen hundred and seventy.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 18, 1867.

CHAPTER XXIII.

AN ACT to Repeal the 11th Section, Chapter 80, of the Acts of 1849 and 1850.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above named section

Taxes for
1866-67.

of said Act, be, and the same is hereby repealed; *Provided*, that the County line shall go with the North-east line of J. A. Tucker, so as to place his lands in McMinn County; *Provided, however*, that the persons hereby attached to McMinn County, shall be required, as heretofore, to pay taxes levied by the County Court of Monroe County, for the years 1866 and 1867.

Chap. 104 of
1865-6.

SEC. 2. *Be it further enacted*, That Chapter 104 of the Laws of Tennessee, of 1865 and 1866, entitled, "An Act changing the line between the Counties of Jackson and Macon," passed May 23, 1866, be so amended, that the the name "Andrew Conn," in said Act, shall read "Andrew Comer;" and that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 18, 1867.

CHAPTER XXIV.

AN ACT to Organize and Equip a State Guard, and for other purposes.

Loyal men.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor is hereby authorized and empowered to organize, equip and call into active service, a volunteer force, to be known as "Tennessee State Guards," to be composed of one or more regiments, from each Congressional District of the State; *Provided always*, that said Tennessee State Guard shall be composed of loyal men, who shall take and subscribe the oath prescribed in the Franchise Act.

Gov'nor made
Com.-in-chief.

SEC. 2. *Be it further enacted*, That the Governor shall be Commander-in-Chief. Any number of said force shall be subject to his order, when, in his opinion, the safety of life, property, liberty, or the faithful execution of law, require it: to be organized, armed, equipped, regulated and governed by the Rules and Articles of

War, and the revised Army Regulations of the United States, so far as applicable; and shall receive pay and allowances, according to grade of rank, as provided for the United States Army, while in actual service, to be paid out of any money in the State Treasury not otherwise appropriated; *Provided*, that the organization provided for in this Act, shall not be armed and equipped until into actual service. U. S. Army regulations.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 20, 1867.

CHAPTER XXV.

AN ACT to Change the time of holding the Circuit Court in Macon County, and Chancery Court in Jackson County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Court of Macon County shall be held on the second Mondays of January, May and September; *Provided*, that the next term of said Court shall be held on the third Monday in March, as now provided by law. Ch. Court of Macon Co.

SEC. 2. *Be it further enacted*, That the Chancery Court at Gainsboro, Jackson County, is hereby, changed from the second Monday in February and August, to the first Monday in the same months; and that the Lafayette Chancery Court, is also, changed from Friday, to the second Thursday after the first Mondays in February and August. Ch. Court at Gainsboro.

SEC. 3. *Be it further enacted*, That the courts in the Ninth Chancery Division shall hereafter be holden as follows, to-wit: At Huntingdon, in the County of Carroll, on the first Mondays in February and August; at Camden, Benton County, on third Mondays of February and August; at Dresden, Weakley County, first Ninth Chancery Division.

Proviso.

Mondays in March and September; at Troy, Obion County, third Mondays of March and September; at Dyersburg, Dyer County, fourth Mondays of March and September; at Trenton, Gibson County, first Mondays of April and November; at Paris, Henry County, third Mondays in April and November; *Provided*, that the first term of the court in said Chancery Division, after the passage of this Act, shall be holden for the several counties, as now provided by law; and that all process thereafter, shall be made returnable to the courts as established by this Act.

Overton
County
Courts con-
solidated.

SEC. 4. *Be it further enacted*, That the Chancery and Circuit Courts of Overton County, be, and are hereby, consolidated, and that all process returnable to Chancery Court, be returnable on Circuit Court days, to be held at Livingston, Overton County.

First Chance-
ry Division.

SEC. 5. *Be it further enacted*, That the time of holding the Chancery Courts in the First Chancery District, do not take effect until after the next term of holding the courts in the counties of Hawkins and Hancock; that the next courts in these counties be held as before the passage of said Act; and that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 25, 1867.

CHAPTER XXVI.

AN ACT to Alter and Amend An Act passed May 3, 1866.

Residence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every male inhabitant of this State, of the age of twenty-one years, a citizen of the United States, and a resident of the county wherein he may offer his vote, six months next preceding the day of election, shall be entitled to the privilege of the elective franchise, subject to the following exceptions and disqualifications, to-wit:

1st. Said voter shall never have borne arms against the Government of the United States, for the purpose of aiding the late rebellion, nor have voluntarily given aid, comfort, countenance, counsel or encouragement to any rebellion against the authority of the United States Government; nor aided, countenanced or encouraged acts of hostility thereto. Voluntary aid, comfort, etc.

2d. That said voter shall have never sought or voluntarily accepted any office, civil or military, or attempted to exercise the functions of any office, civil or military, under the authority or pretended authority of the so-called Confederate States of America, or of any insurrectionary State, whatever, hostile or opposed to the authority of the United States Government, with the intent and desire to aid said rebellion or insurrectionary authority. Officers under Confederate authority.

3d. That said voter shall never have voluntarily supported any pretended government, power or authority hostile or inimical to the authority of the United States, by contributions in money or property, by persuasion or influence, or in any other way whatever; Voluntary contributions, etc. *Provided*, That the foregoing restrictions and disqualifications shall not apply to any citizen who may have served in and been honorably discharged from the army or navy of the United States since the first day of January, 1862, nor to those who voted in the Presidential election in November, 1864, or voted in the election for "Ratification or Rejection," in February, 1865, or voted in the election held on the 4th of March, of the same year, for Governor and members of the Legislature, nor to those who have been appointed to any civil or military office by Andrew Johnson, Military Governor, or William G. Brownlow, Governor of Tennessee, prior to June 5th, 1865; all of whom are hereby declared to be qualified voters, upon their complying with the requirements of this Act; *Provided*, That this latter clause shall not apply to any commission issued upon any election which may have been held. Proviso.

SEC. 2. *Be it further enacted*, That the Governor of the State shall, within sixty days after the passage of this Act, appoint a Commissioner of Registration for each and every county in the State, who shall, without delay, enter upon the discharge of his duties, and who shall have full power to administer the necessary oaths provided by this Act. The said Commissioner, before entering upon the duties of his office, shall take and Commissioner of Registration.

His duties.

subscribe an oath to support the Constitution of the United States and the Constitution of the State of Tennessee, and to faithfully discharge the duties of his office, and also the oath prescribed in section 3, of this Act, which oaths shall be filed in the office of the Secretary of State. The said Commissioner shall keep his office at the county seat of the county; and it shall be his duty to take the proof required by this Act, and to register the names of each and every qualified voter, and to issue a certificate that such voter is entitled to the privileges of the elective franchise; and he shall preserve and keep necessary records of his office, and shall receive from the treasury of the State the sum of one hundred dollars, to be paid upon the warrant of the Comptroller of the State; and said Commissioner shall make a report to the County Court, at each quarterly session thereof, showing the number of voters registered previous to said quarterly session.

Certificates.

U. S. Soldiers.

Voters in November election, etc.

Officers appointed.

SEC. 3. *Be it further enacted*, That said Commissioner shall issue Certificates of Registration to every soldier who may have served in, and been honorably discharged from the army or navy of the United States, since the said first day of January, 1862, upon the production of the proper certificate of such service and discharge, or legal evidence of the loss of such discharge. Said Commissioner shall issue certificates of registration to all those who voted in the said November, February and March elections, upon production of the poll-books of the election, at which said voter voted, or a certified copy, under oath, of such poll-book, in case the voter may have removed to another county; or upon the affidavit of two enfranchised citizens, known to the Commissioner to have been unconditional Union men throughout the rebellion, in case said poll-books may be lost. And he shall issue certificates of registration to those citizens of Tennessee who have been as aforesaid appointed to office by said military or civil Governors, upon the production of the commission showing such appointment, or the proper certificate of the Secretary of State, that such commission was issued, in case of loss. But every other person, claiming to be entitled to the privilege of the elective franchise, as provided in this Act, shall, before he obtains a certificate thereof, prove, by the evidence of two competent persons, personally known to the Commissioner, to have been themselves, at all times, unconditional Union

men; that they are personally acquainted with the Others to person so claiming, and that they verily believe that prove loyalty. he has not been guilty of any of the disqualifications hereinbefore specially mentioned—which proof shall be taken upon affidavit, subscribed by said witnesses, and filed in said office of said Commissioner; and said applicant shall also take and subscribe the following oath before the Commissioner of Registration :

“I do most solemnly swear that I have never voluntarily borne arms against the Government of the United States, for the purpose, or with the intention of Oath. aiding the late rebellion, nor have I, with any such intention, at any time, given aid, comfort, counsel or encouragement to said rebellion, or to any act of hostility to the Government of the United States. I further swear that I have never sought or accepted any office, either civil or military, or attempted to exercise the functions of any office, either civil or military, under the authority or pretended authority of the so-called Confederate States of America, or of any insurrectionary State, hostile or opposed to the authority of the United States Government, with the intent and desire to aid said rebellion; and that I have never given a voluntary support to any such government or authority: So help me God !”

Provided, That citizens personally known to said Commissioner to have always been unconditional Union *Proviso*. men, never having sympathized with the late rebellion, or may be proven to have been such unconditional Union men, by the oath of two witnesses, who shall be known to said Commissioner, personally, to have been themselves, at all times, such unconditional Union men, shall not be required to take and subscribe any oath whatever, in order to obtain for themselves certificates of their right to the elective franchise.

SEC. 4. *Be it further enacted*, That upon taking and filing the proof and oath, required in section 3, of this Act, the said Commissioner shall register the name of said voter, and issue to him a certificate therefor; *Contravening testimony*. *Provided*, That nothing herein contained shall prevent said Commissioner from hearing proof from equally competent testimony, contrary to and contravening the proof offered and taken in behalf of said applicant; and said Commissioner shall be the judge of the weight of the conflicting testimony, so far as the same may affect the issuance of certificates.

SEC. 5. *Be it further enacted*, That no person shall

False swearing. be entitled to vote at any State, County, District or Municipal election, or any other election held under the laws of this State, unless he shall have been registered, and shall have received a certificate thereof, as provided in this Act; and any person swearing falsely to any of the facts required to be sworn to by the provisions of this Act, shall be deemed guilty of perjury, and upon conviction thereof, shall suffer all the pains and penalties provided by law for such offense; and this Act and all the provisions thereof, shall be strictly construed, to prevent any evasion thereof; and the Judges of the Circuit and Criminal Courts of this State, shall give this Act specially in charge to the Grand Jury, at each term of such court.

Sec'y of State to provide books, etc. SEC. 6. *Be it further enacted*, That the Secretary of State shall provide, at the expense of the State, the necessary books for the registration of voters, and shall cause to be printed the necessary blanks, containing the necessary forms for the oaths, affidavits and certificates, as provided for in this Act; which books and blanks shall be furnished to each Commissioner appointed and qualified under this Act; and the expense of supplying such books and blanks, shall be audited by the Comptroller, and paid by the Treasurer out of any money in the State Treasury, not otherwise appropriated.

Gov. to issue writs of election to Army officers. SEC. 7. *Be it further enacted*, That it shall be the duty of the Governor, before any State, or other general or special election, to issue writs of election to commanding officers of regiments, batteries, or detachments of officers and soldiers, who may be at the time in the service of the State, or of the United States Army, citizens of Tennessee, wherever located; and it shall be the duty of the officer to whom such writ is directed, to open and hold, or cause to be opened and held, the election required by said writ, and make return thereof to the Secretary of State; and the votes of such officers and soldiers, shall be counted the same as if such votes had been cast in the counties in which said officers and soldiers may reside; and the returns shall designate the county in which said voters may reside; *Provided*, that the Governor shall not be required to issue such writs of election for county, district or corporation officers, but the same shall be at his discretion.

County Court Clerks' certificates void. SEC. 8. *Be it further enacted*, That all certificates heretofore issued by Clerks of the County Courts, under the provisions of the Act passed June 5, 1865, are held

null and void, and shall not be used at any future election in this State; *Provided*, that all certificates of registration, legally issued by Commissioners of Registration, by virtue of the provisions of the Act passed May 3, 1866, shall be deemed good and valid, to entitle each person so legally registered, to the privileges of the elective franchise.

SEC. 9. *Be it further enacted*, That all candidates for any official position, shall, before the day of election, be required to take and subscribe the oath prescribed in the third section of this Act, which, in case of a candidate for a county office, shall be filed in the office of the County Court Clerk; and for all other offices, in the office of the Secretary of State; and that judges of election or other officers, shall reject, and make no return whatever, of the votes cast for any person who has not so taken and subscribed said oath; and the same oath shall be taken and subscribed as an official oath, by all judges and clerks of all elections, and all Sheriffs or their deputies, or deputies in any of the offices of the State or county; *Provided*, that candidates who may have served in, and been honorably discharged from the army or navy of the United States, since the first day of January, 1862, or who may have been appointed and commissioned to any office, by said military or civil Governor of Tennessee, as provided in section 1, of this Act, shall be eligible to office, except political-offices, without taking said oath.

SEC. 10. *Be it further enacted*, That in case any County Court shall fail or refuse to induct into office any of the officers elected under this Act, it shall be lawful for the Commissioner of Registration, upon orders from the Governor, to perform that duty, and to administer all necessary oaths, and to take and approve all necessary official bonds, and the same shall be good and valid in law. The judges and clerks of all elections shall hereafter be selected and appointed by the Commissioner of Registration, in each county, in the same manner, and governed by the same rules and laws heretofore provided by law, conferring the said selection and appointments by Sheriffs.

SEC. 11. *Be it further enacted*, That it shall be the duty of each Commissioner of Registration to report to the Governor, when he shall have completed the registration of his county; and when said reports are all in from any county, district, or circuit, or from the entire State, it shall be the duty of the Governor

to issue his proclamation and writ of election, announcing the completion of such registration, and ordering elections to fill all the vacant offices of the State, counties, circuits or districts.

SEC. 12. *Be it further enacted*, That it shall be the duty of the Commissioner, without delay, to proceed with the performance of his duties; and before completing the same in his county, he shall give at least, ten days' public notice by advertisement in some newspaper, or at least four public places in his county, of his intention to complete, and for the time being, close, his registration. But it shall be his duty, after making his report to the Governor, to attend for one day at each quarterly session of the County Court, and all such other times as he may deem necessary and expedient for the public service, for the purpose of issuing certificates of registration to such persons as may be entitled to them under the provisions of this Act; and for each day he may so attend, at said quarterly session of said County Court, he shall receive the sum of three dollars, to be paid out of the county treasury.

To give notice
of closing
Registration.

SEC. 13. *Be it further enacted*, That every willful and intentional violation of this Act by the Commissioner of Registration is hereby declared to be a misdemeanor, and upon conviction, he shall be removed from office, and shall pay a fine of not less than fifty dollars, to the use of the State.

Misdemeanor.

SEC. 14. *Be it further enacted*, That every violation of this Act is hereby declared to be a misdemeanor, and punishable upon presentment or indictment, and every person participating in such violation, shall, upon conviction, be fined not less than ten, nor exceeding one hundred dollars, and may be imprisoned at the discretion of the Court.

Same.

SEC. 15. *Be it further enacted*, That An Act entitled, "An Act to alter and amend An Act, entitled, 'An Act to limit the elective franchise,' passed May 3, 1866," be, and the same is hereby, altered and amended, as provided in the several sections of this Act; and the provisions of this Act shall be deemed and held in lieu of the said Act, entitled "An Act to alter and amend An Act, entitled 'An Act to limit the elective franchise,' passed May 3, 1866," with the exception of the preamble thereunto prefixed, or prefixed to the Act, entitled "An Act to limit the elective franchise," passed June 5, 1865, which preamble is hereby declared part of this Act.

Previous Acts
amended.

SEC. 16. *Be it further enacted*, That this Act shall not be so construed as to allow the colored man to hold office or sit on juries.

SEC. 17. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

J. S. MÜLLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 25, 1867.

CHAPTER XXVII.

AN ACT to Provide for the Re-organization, Supervision and Maintenance of Free Common Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter each and every organized civil district shall compose but one school district, for all purposes connected with the general interests of education in the district, and shall be confined to the management and control of a Board of Education; and the several school districts which now are, or may be hereafter, established in the organized civil districts of the State, shall be regarded as sub-districts, and be confided to the management and control of local directors, as hereinafter provided.

Civil, or sub-districts.

ELECTION OF DIRECTORS OF SUB-DISTRICT SCHOOLS.

SEC. 2. *Be it further enacted*, That on the first Saturday in June, 1867, there shall be held, at the first election under this Act, at the usual place and hour of holding elections in each civil district of the State, and thereafter at the school-houses of each sub-district, a school meeting of the qualified voters, residents within the sub-districts, and having the qualifications of voters at the State and county elections; who shall organize by the appointment of a Chairman and Secretary, and proceed to elect, by ballot, three School Directors for such sub-district. Of those so elected, the person receiving the highest number of votes shall hold his office for three years; the person receiving the next highest number shall hold the office for two years; and the person receiving the next highest number shall hold the office for one year; and each shall continue in office

Terms of office

Minutes.

until his successor is elected and qualified. In case two or more persons so elected have received an equal number of votes, the duration of their respective terms of office shall be determined by lot, in the presence of the Chairman and Secretary of the meeting. And annually thereafter, on the first Monday in April, there shall be elected in each sub-district, one School Director for the term of three years; and the minutes of the proceedings of any such district meeting shall be signed by the Chairman and Secretary, and delivered to the Directors, who shall have been elected as aforesaid, to be recorded in the records of the sub-district, and the Clerk of the sub-district shall forthwith certify to the Clerk of the civil districts' Board of Education the names of the Local Directors so elected, specifying the term for which each was elected.

OATH OF SUB-SCHOOL DIRECTOR.

Vacancies.

SEC. 3. *Be it further enacted*, That the said Directors, within five days after their election, shall take an oath or affirmation to support the Constitution of the United States, and of the State of Tennessee, and faithfully and impartially to discharge the duties of their office, which said oath the Directors are authorized to administer to each other; and in case a vacancy shall occur in the office of Director, by death, resignation, refusal to serve, or otherwise, it shall be the duty of the Clerk of the District Board of Education to fill such vacancy within ten days after being informed thereof, by the appointment of some suitable person, who shall hold his office until the time of the next annual meeting, when a Director shall be elected for a remainder of any of the unexpired terms, in the manner prescribed in section two.

Failure to elect Direc'rs.

SEC. 4. *Be it further enacted*, That if the qualified voters of any sub-district shall fail to meet and elect School Directors as prescribed in sections two and three, it shall be lawful for any three qualified voters of such sub-district to call a special meeting of such sub-district for the purpose of electing Directors, on first giving five days' notice in writing, of the time and place of holding such meeting, by posting the same in three of the most public places in such sub-district; and the Directors so elected at such special meeting, shall hold their offices for the unexpired term which they were respectively elected to fill.

Organization.

SEC. 5. *Be it further enacted*, That it shall be the duty of the Directors, any two of whom shall form a quorum, to meet as soon as practicable, after having

been elected and qualified, at such place as may be most convenient in the sub-district, and organize by appointing one of their number Clerk of the sub-district, who shall preside at the official meetings of the Directors, and record their proceedings in a book provided for the purpose, together with the minute of the proceedings of the annual school meetings held in the sub-district by the qualified voters thereof, which shall be a public record; and all such proceedings, when so recorded, shall be signed by the clerk of the proper sub-district. The Directors may fill any vacancy in the office of clerk which may occur in the sub-district, or in case of his absence, either of the other Directors may officiate temporarily, in his place. Same.

DUTIES OF SUB-DISTRICT SCHOOL DIRECTORS.

SEC. 6. *Be it further enacted*, That it shall be the duty of the School Directors in each sub-district, to take the management and control of its local educational interests and affairs, to employ teachers, to certify the amount due them for services, to the Clerk of the Board of Education for the civil district, who shall draw an order on the County Superintendent for the amount; and the local Directors may dismiss any teacher at any time, for such reason as they may deem sufficient; and to visit the school or schools of the sub-district at least twice during each term, by one or more of their number. General control.

ENUMERATION OF SCHOLASTIC POPULATION.

SEC. 7. *Be it further enacted*, That it shall be the duty of the Directors in each sub-district, to take, or cause to be taken, annually, between the first and third Mondays of May, an enumeration of all the white and colored youths between the ages of six and twenty years, resident within such sub-district, designating between male and female, and return a certified copy thereof to the Clerk of the Board of Education of the civil district; and in case the Directors in any sub-district shall fail to take and return the enumeration aforesaid, it shall be the duty of the Clerk of the Board of Education for the civil district, to employ a competent person to take the same, and allow a reasonable compensation for his services; and shall proceed to recover the amount so paid for such services in a civil action before any court having jurisdiction, in the name of the State of Tennessee, against said Directors, in their individual capacity; and in such suits said Clerk shall be a competent witness, and the money Failure to make the enumeration.

Clerk's duty so collected shall be applied to the proper use of common schools in the district. The Clerk of the Board of Education of the civil district shall make an abstract of the enumeration so returned to him, designating the number of youth in each sub-district, and transmit such abstract, duly certified, to the County Superintendent, on or before the first day of September.

CIVIL DISTRICT BOARD OF EDUCATION.

Directors of sub-schools. SEC. 8. *Be it further enacted,* That the Civil District Board of Education shall consist of the local Director from each sub-school district of the civil school-district, who has been appointed Clerk of the sub-district; a majority of whom shall constitute a quorum for the transaction of business; one of whom shall be the Clerk of the Board. It shall be the duty of the Clerk to be present at the meetings of the Board, and to record in a book, to be provided for the purpose, all the official proceedings. And where there is but one sub-school in any civil district of the State, the Directors thereof, created by this Act, shall discharge the duties conferred by this Act on the Civil District Board of Education, until such time as two or more sub-district schools are organized, in such civil school districts where the Board of Education for the said district shall be organized, as provided for by this Act.

CORPORATE POWERS OF CIVIL DISTRICT BOARD.

To have charge of all property, etc. SEC. 9. *Be it further enacted,* That the said Civil District Board of Education in each civil district of the State, and their successors in office, shall be a body corporate and politic in law, and as such, may contract and be contracted with, sue and be sued, plead and be impleaded, in any court of law or equity in this State, and may receive any gift, grant, donation or devise, made for the use of any school or schools within their jurisdiction; and, moreover, they shall be, and are hereby, invested in their corporate capacity, with the title, care, and custody of all school-houses, sites, or other property, belonging to the civil school districts now organized, or which may hereafter be organized, within the limits of their jurisdiction, with full power to control the same in such manner as they may think will best subserve the interest of Common Schools and the cause of education. And all conveyances of real estate, which may be made to said Board, shall be to said Board in their corporate name, and to the successors in office.

MEETINGS OF CIVIL DISTRICT BOARD.

SEC. 10. *Be it further enacted*, That it shall be the duty of the Civil District Board of Education to hold regular sessions on the first Monday of April and the first Monday of September in each year, at such places in the district as may be convenient for the transaction of any business, which may be necessary, in relation to the subject, of either the primary or graded schools in the civil district, with power to adjourn from time to time, or to hold special meetings at any time or place.

To meet in
April and
September.

POWERS OF CIVIL DISTRICT BOARD.

SEC. 11. *Be it further enacted*, That the Civil District Board of Education shall have the management and control of the High Schools in their proper district, which may be established therein, with full power, in respect to such schools, to employ, pay, and dismiss teachers; to build, repair, and furnish the necessary school-houses, purchase or lease sites therefor, or rent suitable school rooms, and make all necessary provisions relative to such schools as they may deem proper; and it shall be the duty of said Board of Education to exercise all the powers conferred on Local Directors, in respect to sub-district schools whenever such Local Directors shall neglect to discharge their duties in any sub-district as required by this Act. The said Board may lay off, alter or change any sub-districts of the civil district at any regular session, and assign the number of scholars to each, but no sub-district shall contain within its limits, less than fifty resident scholars by enumeration, except in cases where, in the opinion of the Board, it is necessary to reduce the number. And it shall be the duty of the Board to establish a school in each sub-district of the civil district, of such grade as the public good, in their opinion, may require; and in the location of primary schools, or schools of higher grade, the Board shall have reference to population and neighborhood, paying due regard to any school-houses already built, or site procured, as well as to all other circumstances proper to be considered, so as to promote the best interest of schools and education.

Sub-Districts

Primary
Schools.

SEC. 12. *Be it further enacted*, That when it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining civil school district, or whenever it may be desirable to establish a school composed of parts of two or more civil school

May transfer
scholars to ad-
joining dis-
tricts.

districts, it shall be the duty of the respective Boards of the civil school districts in which such persons reside, or in which such schools may be situated, or of the civil school districts, or the parts of which the school is to be composed, to transfer such persons for education to the civil school districts in which such school-house is or may be located; but the enumeration of scholars shall be taken in each civil school district, as if no such transfer had been made; and such school, when so composed, shall be supported from the school funds of the respective civil districts from which the scholars may have been transferred.

Studies.

SEC. 13. The Boards of the civil school districts shall have power to determine the studies to be taught in the schools of their districts.

REPORT REQUIRED OF TEACHERS.

Character of
report.

SEC. 14. *Be it further enacted*, That it shall be the duty of the school-teacher to make out and file with the Clerk of the Civil Board of Education, at the expiration of each term of the school, a full and complete report of the whole number of scholars admitted to the school during such term, distinguishing between male and female, the average attendance, the books used, the branches taught, the number of pupils engaged in each of said branches, and such other statistics as he or she may be required to make by the Civil District Board or sub-district Directors; and until such report shall have been certified and filed by the said teacher as aforesaid, it shall not be lawful for said Board or local Directors to pay said teacher for his or her services.

STATEMENT REQUIRED OF DIRECTORS.

Character of
statement.

SEC. 15. *Be it further enacted*, That the Board of Education of each civil district shall prepare, or cause to be prepared, and forwarded to the County Superintendent, on or before the first day of September, a statement, exhibiting the number of children in the District between the ages of six and twenty years, distinguishing between male and female; the number of schools, specifying the different grades; the number of teachers, male and female; the number of children, male and female, who have attended school during the past year; the average attendance; the length of the terms of schools; compensation of teachers, male and female; the number and condition of school-houses and furniture, and the estimated value thereof; the kind of school books used in the schools, together with such other statistics and

information in relation to the schools of their districts, as may be required by the State Superintendent of Schools.

DISBURSEMENT OF SCHOOL MONEY.

SEC. 16. *Be it further enacted*, That all school moneys which may come into the hands of the County Superintendent shall be paid out only on the order of the Clerk of the Board of Education of the civil districts under the direction of the Board; except in paying teachers for their services, the said Clerk may, on such teachers presenting their certificates of qualification, and depositing with the Clerk true copies thereof, draw the requested orders on the County Superintendent for such amount as may have been certified to be due by any two of the Directors of the sub-district school in which the teacher was employed; and all school moneys which shall be appropriated to a county for educational purposes, shall be apportioned to the several sub-districts, in proportion to the enumeration of scholars in each district.

Payment of
teachers.

SCHOOLS FOR COLORED CHILDREN.

SEC. 17. *Be it further enacted*, That the Civil District Board of Education, in their respective Districts, and the several other Boards of Education and Directors or other officers, having authority in the premises of each incorporated city, shall be, and they are hereby, authorized and required to establish within their respective jurisdictions, one or more special schools for colored children, when the whole number by enumeration exceeds twenty-five, so as to afford them, as far as practicable, the advantages of a common school education; and all such schools so established for colored children, shall be under the control and management of the Board of Education, or other school officers, who have in charge the educational interests of other schools; but in case the average number of colored children in attendance, shall be less than fifteen for any one month, it shall be the duty of said Board of Education, or other school officers, to discontinue said school or schools for any period not exceeding five months at any one time. And if the number of colored children shall be less than fifteen, the Directors shall reserve the money raised on the number of said colored children; and the money so reserved shall be appropriated for the education of such colored children

By whom
managed

Money re-
served.

under the direction of the Civil District Board of Education.

SUB-DISTRICT SCHOOLS TO BE TAUGHT FIVE MONTHS.

SEC. 18. *Be it further enacted*, That it is hereby made the duty of Directors of sub-school districts and Boards of Education for the civil districts, to cause to be taught annually, in the respective School Districts of the State, a Common Free School for the period of five months.

Examination
of Teachers.

SEC. 19. *Be it further enacted*, That no Common School shall receive any of the benefits or immunities under the provisions of this Act, unless such school shall be taught by a teacher or teachers having been duly examined as provided for by this Act.

Tax to supply
deficit of
funds.

SEC. 20. *Be it further enacted*, That whenever, in the opinion of the Directors of any sub-school district, any sum in addition to that received from the State, may be necessary, for the support of a school, to be continuously kept for five months, or for other school purposes, they shall estimate the amount needed, and submit it to the qualified voters of the district, whether the tax shall be levied to raise the amount required. Notice of the proposed tax shall be given in writing, posted at some public place in the district, and the notice shall designate the place of meeting of the voters; state the amount of money necessary to be raised, and the purpose for which the tax is proposed. The voting shall be by ballot; and the amount voted for, and the purpose for which levied, if carried, shall be certified to, and reported by the Directors to the County Court Clerk. The Clerk shall enter the tax and the purpose of it on the tax duplicate. The County Tax Collector shall collect as he collects county taxes, and pay it over to the County Superintendent, who shall pay it out on the order of the Board, but it shall be used only for the purpose for which it was levied; *Provided*, that in case the voters of any sub-district school, shall refuse to raise the additional amount in their district, then said district shall not be entitled to the use of the fund appropriated to it by the State, until the amount is sufficient to support a school in said district for a period of five months.

Voting.

County tax
Collector.

Proviso.

LENGTH OF SCHOOL MONTH.

SEC. 21. *Be it further enacted*, That twenty days shall be held to be a school month, and the school in each sub-district shall be taught an equal length of

time of five months, as provided for by this Bill, without regard to the number of pupils.

COUNTY SUPERINTENDENT.

SEC. 22. *Be it further enacted,* That there shall be appointed by the Superintendent of Public Instruction for the State, a person qualified to discharge the duties of County Superintendent, in each county of the State, who shall hold his office for two years, or until Term of office, etc. his successor is elected, as provided by section 24; and upon the person so appointed executing a bond, and subscribing the oath as provided for by section 28 of this Act, the Superintendent of the State shall issue to him a commission. The Board of Commissioners of the school fund shall determine and fix the annual salary of each County Superintendent, appointed in pursuance of this section, to be paid semi-annually; whereupon the said Board shall certify the same to the Comptroller of the State, who shall, on the presentation of the order of the State Superintendent, draw his warrant on the Treasurer, who shall charge the same to the school fund coming into his hands, and which shall be deducted from the amount of State appropriation for educational purposes, in the county for whose benefit it is paid. The County Superintendent of Education shall have the care of the educational interests of the county. Duties. He shall visit frequently the sub-district schools of the county, counsel with and encourage Directors and Teachers, see that the common school law is properly enforced, and do all things to promote the cause of education in the county.

SEC. 23. *Be it further enacted,* That it shall be the duty of each County Superintendent to see, that, in every district there shall be taught Orthography, Reading, Writing, Arithmetic, Geography and Grammar, and the Constitution of the State of Tennessee and of the United States; and in case the School Directors of any sub-district shall fail to provide competent teachers to teach the several branches above specified, and such other branches as they may direct, it shall be the duty of the County Superintendent to notify the Directors of their neglect, in writing, and in case provision is not made forthwith, he shall withhold all payments of school money to such district, until the Directors of any such sub-district shall notify him in writing that a competent teacher has been employed; and in case of neglect or refusal of the Board of Directors of any sub-district, to employ a competent teacher as Same.

aforesaid, for one month after such notification by the County Superintendent, that a teacher has not been provided, such district shall forfeit absolutely, its whole quota of State appropriations for that year.

ELECTION OF COUNTY SCHOOL SUPERINTENDENT.

SEC. 24. *Be it further enacted*, That the Boards of Education of the civil districts in the several counties of the State, shall meet in convention at the county seat of the proper county, on the first Monday in March 1868, and on the same day in each third year thereafter, and elect *viva voce* by a majority of the whole number of Directors present, one person of acquirement and skill in the art of teaching, as County Superintendent for three succeeding years; and the School Directors, or a majority of them in such convention, shall determine the annual amount of compensation for the County Superintendent, which compensation shall be paid by the Superintendent of the Common Schools for the State, by his warrant drawn on the Treasurer of the State, in half-yearly installments, and shall be deducted from the amount of State appropriation for educational purposes for said county.

Term of office,
Compensation
etc.

Directors to
certify to
State Superin-
tendent.

Commission.

To examine
Teachers.

SEC. 25. *Be it further enacted*, That it shall be the duty of the President and Secretary of the triennial convention of Directors, to certify to the Superintendent of Common Schools for the State, the name and post office address of the person, elected County Superintendent in pursuance of the provisions of this Act, and of those of the other candidates who received votes, together with the amount of compensation fixed upon by said convention. Upon the receipt of such certificate, if no valid objection be made, the Superintendent for Common Schools for the State shall commission the person so elected for the term of three years; but if objection be made within thirty days of the issuing of such commission, the Superintendent of Common Schools for the State, may require such evidence under oath or affirmation, in regard to the election or qualification of the person elected County Superintendent, as he shall deem necessary, and shall then issue his commission to the person properly qualified, who shall have received the highest number of votes.

SEC. 26. *Be it further enacted*, That it shall be the duty of the County Superintendent to examine all the candidates for the profession of Teacher, and to give each person found qualified, a certificate, setting forth the branches of learning he or she is capable of teach-

ing; and such examination shall be renewed every year, and no teacher shall be employed in any school, to teach other branches than those set forth in such certificate of said teacher; *Provided*, That the County Superintendent may annul such certificate given by him or his predecessor in office when he shall think proper, giving at least ten days' previous notice thereof in writing to the Teacher holding it, and to the Directors of the sub-district in which he or she may be employed, which notice shall set forth the cause of removal. Proviso.

ANNUAL REPORT OF COUNTY SUPERINTENDENT.

SEC. 27. *Be it further enacted*, That the County Superintendent shall annually, on or before the first day of October, forward to the Superintendent of Common Schools for the State, the scholastic enumeration and other reports of the several School Districts of their respective counties, and shall also make an extended report of the condition of the schools under his charge, suggesting such improvements in the School system as they may deem useful, and give such other information in regard to the practical operation of Common Schools and the laws relating thereto, as may be deemed of public interest. Character of Report.

SEC. 28. *Be it further enacted*, That the County Superintendent shall be the Treasurer of the School moneys of the county for which he is elected, and shall give bond, payable to the State of Tennessee, with such sureties in double the amount of School moneys appropriated to his county, as shall be approved by the Clerk of the County Court; said bond to be deposited with said Clerk, conditioned for the faithful disbursement, according to law, of all such funds as shall, from time to time, come into his hands; and on the forfeiture of such bond, it shall be the duty of the County Clerk to prosecute and collect the same for the use of the schools of the county. He shall receive all State appropriations made to the county, and such other appropriations as may be made by the Civil Board of Education, or by the sub-school district, and pay thereout all warrants drawn on him by the Clerk of the civil district for the payment of wages of teachers; and he shall settle his accounts annually with the State Superintendent of Common Schools, and shall pay over any balance of moneys in his hands to his successor; and before entering upon the duties of his office, shall, before the Clerk of the County, take an oath or affirmation similar to that provided by section 3 of this Act, to be taken by the Directors of the civil district. County Sup't to be Treas'r.
Bond.
Appropriations.
Oath.

Fee for examinations SEC. 29. *Be it further enacted,* That the County Superintendent shall be entitled to receive for each examination of applicants to become teachers, the sum of one dollar and fifty cents, to be paid to him by all applicants for examination, before examination of the party to whom the certificate is issued.

Schools in cities or towns SEC. 30. *Be it further enacted,* That this Act shall not be so construed as to repeal or change in any respect, any special Act in relation to Schools in Cities or incorporated Towns, except that it shall be the duty of the several Boards of Education, or other officers of any City or incorporated Town, having in charge Schools under the provisions of any of the said special Acts, or of any ordinance of any City or incorporated Town, on or before the first Monday of October preceding each regular session of the General Assembly of this State, or annually, if required so to do by the State Superintendent, to make out and render a statement of all such statistics and other information, in regard to Schools and the enumeration of children, as required to be done by the Sub-School Directors, under the provisions of this Act, or so much thereof as may be applicable to said City or incorporated Town, to the County Superintendent of Common Schools of the respective counties in which the said City or incorporated Town is situated. Nor shall it be lawful for the County Superintendent to pay over any portion of the Common School Fund, to any local Treasurer, School Agent, Board of Education, or other officer or person of any Civil District, City or incorporated Town, until the report specified in this section, shall have been filed with the County Superintendent of the proper county.

Statement to County Sup's

Not to pay.

Election of Superintendent of Common School. SEC. 31. *Be it further enacted,* That there shall be elected at the regular biennial election for Governor and members of the General Assembly by the qualified voters of the State, a Superintendent of Common Schools, who shall hold his office for the term of two years, and till his successors shall be elected and qualified, who, upon entering upon the duties of his office, shall take an oath to support the Constitution of the United States, and the Constitution of the State of Tennessee; and if, by resignation, death or dismissal, the office shall become vacant, the Governor shall fill the vacancy by appointment, until the next the regular election thereafter; and until the first election, as provided for by this section, shall be held, the Governor shall appoint said officers, by and with the approval of the Senate.

Governor to appoint.

DUTIES OF THE SUPERINTENDENT.

SEC. 32. *Be it further enacted*, That the State Superintendent shall devote his time to the care and improvement of Common Schools, and the promotion of the general interests of education in the State. He shall carefully investigate the operation of our School laws; collect information in regard to the arrangement of School Districts, the location and construction of School Houses, consult and advise with County Superintendents of Common Schools on the selection of books adapted to the wants of Schools, and on the methods of ascertaining the qualification of teachers, and of visiting and examining Schools, and inquire into the most approved methods of teaching.

SEC. 33. *Be it further enacted*, That he shall spend at least ten days in each Judicial District of the State, ^{To spend ten days in each Judicial District.} superintending and encouraging County Superintendents and Teachers, conferring with the Civil District Boards of Education and other school officers, visiting schools, and otherwise promoting the interests of popular education. Whenever the Superintendent of Public Instruction is satisfied that a County Superintendent has persistently neglected to perform his duties, he may withhold his order for the payment of the whole or any part of such Superintendent's salary, as it shall become due, and the salary so withholden shall be forfeited; ^{May withhold County Supt's salary.} but the Superintendent may remit the forfeiture, in whole or in part, upon the Commissioners disapproving or excusing such neglect.

SEC. 34. *Be it further enacted*, That he shall prepare blank forms for all returns required by law, or deemed ^{Blanks.} by him necessary to be made by Teachers, School Officers and County Superintendents, which shall be printed and distributed by him to the County Superintendents of Common Schools, for the use of their several counties.

SEC. 35. *Be it further enacted*, That he shall cause as many copies of the laws relating to schools, with ^{ap-School Laws.} appropriate forms and instruction for carrying said laws into execution, to be printed in a separate volume, and distributed to the County Superintendents and other school officers therein, as may be necessary.

SEC. 36. *Be it further enacted*, That it shall be the duty of said Superintendent for the State, to make, ^{Report of the Governor.} on or before the first day of November of each year, an Annual Report to the Governor, who shall cause the same to be published, and who shall also communicate copy thereof to the next General Assembly.

Character of
Report.

SEC. 37. *Be it further enacted*, That said Report of the State Superintendent shall present a statement of the condition of all funds coming into his hands, and property appropriated to purposes of education, a statement of the number of Common Schools in the State, the number of scholars attending such schools, and their average attendance, their sex, and branches taught, and amounts paid to teachers severally; a statement of the estimates and accounts of the expenditures of the public school funds of every description; a statement of plans for the management and improvement of Common Schools; and such other information relative to the educational interests of the State, as he may think of importance.

Funds, etc.

SEC. 38. *Be it further enacted*, That he shall also exercise such supervision over the educational funds of the State as may come into his hands, as may be necessary to secure their safe and right application and distribution according to law. He shall have power to require of County Superintendents, Civil District Boards of Education and Local Directors, copies of all reports by them required to be made, and all such other information in relation to the funds and condition of schools, and the management thereof, as he may deem important.

To keep an
office.

SEC. 39. *Be it further enacted*, That the books and papers of his department shall be kept at the seat of Government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business; and the State Librarian shall, in addition to the duties of his office, discharge the duties of Secretary to the State Superintendent of Common Schools, and receive an annual salary of five hundred dollars, payable quarterly by the Comptroller's warrant on the Treasurer.

State Librarian.

BOND OF STATE SUPERINTENDENT.

SEC. 40. *Be it further enacted*, That before entering on the discharge of his official duties, the said Superintendent shall give bond in the penal sum of one hundred thousand dollars to the State of Tennessee, with two or more sureties, to be approved by the Secretary of State, conditioned that he will truly account for and apply all moneys or other property which may come into his hands, in his official capacity, for the use and benefit of Common Schools, and that he will faithfully perform the duties enjoined upon him according to law,

which bond, with the certificate of his oath endorsed thereon, shall be filed with the Treasurer of the State.

COMPENSATION OF STATE SUPERINTENDENT.

SEC. 41. *Be it further enacted*, That the said Superintendent shall be entitled to receive for his services the sum of twelve hundred dollars annually, payable quarterly out of the State Treasury, on the warrant of the Comptroller. \$1,200 salary

SEC. 42. *Be it further enacted*, That for the purpose of affording the advantage of a free education to all the youths of the State, the Common School Fund, for annual distribution, shall consist of the school funds already provided by law, and such sum as will be produced by the annual levy and assessment of two mills upon the dollar, valuation on all the taxable property of the State, and levy the assessment of twenty-five cents poll tax, in addition to the poll tax now levied by law upon each male citizen of the State over the age of twenty-one years, and under fifty years; and there is hereby levied and assessed annually, an addition to the revenue required for general purposes, the said sum of two mills upon the dollar, valuation of taxable property, and the said sum of twenty-five cents upon each poll, as aforesaid; and the amount so levied and assessed shall be collected in the same manner as other State tax, and when collected, shall be applied to the support of Common Schools as herein provided. And after June 30, 1867, every railroad company chartered by, or having the right of way in this State, shall collect and pay into the Treasury of the State, quarterly, one-fourth of one per cent. per mile upon each and every paying passenger transported by said companies on their respective roads. Common School Fund.
How raised.

How collected

Railroad tax.

DISTRIBUTION OF SCHOOL MONEYS.

SEC. 43. *Be it further enacted*, That the fund, when collected as provided for by this Act, shall be apportioned by the Comptroller of the State among the different counties, upon the enumeration and returns to be made to him by the State Superintendent of Common Schools for the State; and the Superintendent of Common Schools for the State shall certify the amount so apportioned, to the Superintendents of the several counties. Any School District, City, incorporated Town or Village, which shall have failed to make and return the scholastic enumeration required by this Act, shall not be entitled to receive any portion of the Common School Fund. Not entitled to any portion

Who the fund is to be paid to. SEC. 44. *Be it further enacted,* That the said fund to be collected as provided for by this Act, and all other funds collected and appropriated by law, annually, for the use of Common Schools, shall be paid to the Superintendent of Common Schools of the State, out of the Treasury of the State, on the warrant of the Comptroller of the State, and by the Superintendent of the State shall be paid over to the Superintendents of the Common Schools of the counties, as apportioned by the Comptroller of the State.

Per-centage allowed Sup't SEC. 45. *Be it further enacted,* That there shall be allowed the Superintendent of the counties, as Treasurer of the School Fund, a compensation equal to one-and-a-half per cent. on all school funds disbursed by him, to be paid out of school funds which shall come into his hands.

STATE BOARD OF COMMISSIONERS OF SCHOOL FUND.

How constituted. SEC. 46. *Be it further enacted,* That the Governor, Secretary of State, Comptroller, and the Superintendent of Common Schools for the State, are hereby appointed a Board of Commissioners of the School Fund, and the Governor shall be President of the Board, and the Superintendent of Common Schools shall be Secretary thereof, who shall keep a record of the proceedings of the Board, to assemble at the pleasure of its President.

How fund is to be used. SEC. 47. *Be it further enacted,* That said Commissioners shall have the superintendence of the school fund, and shall guard it against diminution, and see that the fund for annual distribution shall be inviolably paid over to the support of Common Schools for the benefit of all the people, as provided for by this Act, and no other use.

Ann'l Report to General Assembly. SEC. 48. *Be it further enacted,* That said Board shall make out and publish annually, a report of the condition and investment of said fund, to be transmitted by the Governor to each session of the General Assembly.

Repeal of other laws. SEC. 49. *Be it further enacted,* That all laws and parts of laws, conflicting with this Act, relating to a system of Common Schools in the State of Tennessee, are hereby repealed. This Act to take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 5, 1867.

CHAPTER XXVIII.

AN ACT Changing certain County Lines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county line between Hickman and the counties of Hickman and Perry, be so changed as Perry Co's. to include the lands of Clement C. Dyer in the county of Perry.

SEC. 2. *Be it further enacted*, That the county line of Fentress and Overton, be so changed as to include Fentress and Overton. all of J. D. Hale's Mill tract of land in the county of Fentress.

SEC. 3. *Be it further enacted*, That the county line of Wayne and Hardin, be so changed as to include the Wayne and Hardin. house and lands of William H. Brown in the county of Wayne; and that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 25, 1867.

CHAPTER XXIX.

AN ACT to Prevent the sale of Ardent Spirits at Mossey Creek, Jefferson County, State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any person to sell, or expose for sale, any spirituous or malt liquors, in any quantity whatever, within two miles of Mossey Creek College, situated at Mossey Creek, in Jefferson County, in this State. *Provided*, ^{Proviso.} however, that this Act shall not prevent the sale of said liquors for medical purposes, by and under the advice

of any practicing physician, in good standing, and living within two miles of said Mossey Creek College.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 2, 1867.

CHAPTER XXX.

AN ACT in Relation to suits against Non-Residents in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any suit shall have been commenced at law, or in equity, during the time that this State, or the portion of it in which said suit was begun, was within the occupancy or control of the forces or Government of the late so-called Confederate States, against any person or party not a resident of the State, nor residing within the lines of the said so-called Confederate Government, by attachment against the property or estate of such person or party; then, and in that case, the defendant or defendants to such suit may and shall have six months from the passage of this Act, to appear and make defense to such suit; and shall not be precluded from making any defense in such suit, by reason of any default, order, judgment or decree which may have been entered in the same; and all defaults, orders, judgments and decrees, entered or made in such suit, affecting the right of the defendant to appear, are hereby declared null and void, except when and so far as the rights of third parties shall have intervened after final judgment is entered, and before the passage of this Act. *Provided*, however, that before any defense shall be permitted to be made in such suit, the defendant therein, or his, her, or its agent, shall file with the Clerk of the Court in which such suit is brought, or is pending, an affidavit, stating

Six months' time.

P. oviseo.

that at the time of the commencement of such suit, the said Court, or the place where the same was held, was within the occupancy or control of the so-called Confederate Government; that it was impossible, because of such occupancy or control, for the defendant to appear and defend said suit, as required by the laws of this State and the practice of said Court, and that the defendant has a good legal or equitable defense to such suit. And unless such affidavit shall be filed, and defense made, within the said six months after the passage of this Act, such suit shall remain in the same condition it would have been in before the passage of this Act. Same.

SEC. 2. *Be it further enacted*, That all judgments by default, which have heretofore, or shall hereafter, be pronounced final against non-residents, or absconding defendants, upon publication made to a special term of any of the Courts in this State, shall be, and are hereby declared, as valid as though the same had been pronounced at a regular term of any of the Courts of this State. Judgment by default, made valid.

SEC. 3. *Be it further enacted*, That an account on which action is brought, coming from any other county of this State, with the affidavit of the plaintiff to its correctness, and the certificate of a Notary Public, with his official seal annexed thereto, shall have the same force and effect, as evidence, as if the account were sworn to before a Justice of the Peace, and his official character certified to by the Clerk of the County Court, according to section 3780 of the Code of Tennessee. Accounts sued on.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 6, 1867.

CHAPTER XXXI.

AN ACT to Preserve the Archives of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby required, to purchase a suitable Fire and Burglar Proof Safe, for the use of his office.

SEC. 2. *Be it further enacted*, That the Comptroller be required to issue his warrant on the Treasurer for the payment of the same.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER XXXII.

AN ACT to Establish a Board of Commissioners to superintend the Library of the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of the State of Tennessee, and the Judges of the Supreme Court of the State of Tennessee, shall be, and are hereby constituted a Board of Commissioners, to superintend and control the Library of the State, with power to make all necessary and proper rules for its government.

SEC. 2. *Be it further enacted*, That the annual appropriation for the purchase of Books, shall be expended under the direction of said Board, and for such books as said Board may direct.

SEC. 3. *Be it further enacted*, That the salary of the Librarian shall be one thousand dollars a year.

SEC. 4. *Be it further enacted*, That the Librarian

shall report to said Board, which shall report to the General Assembly at each session, the condition of the Library, and a catalogue of books purchased.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER XXXIII.

AN ACT to Establish the 12th Chancery Division of this State;
and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established the Twelfth Chancery Division, composed of the Counties of White, Van Buren, Grundy, Franklin, Coffee, Putnam, Smith, DeKalb, Cannon and Warren.

SEC. 2. *Be it further enacted*, That the Governor shall appoint a Chancellor for said Division, to hold his office until his successor is elected and qualified, and ^{Gov'r to ap-} ^{point} ^{Chancel-} ^{lor.} that he shall have all the powers and emoluments as other Chancellors of this State.

SEC. 3. *Be it further enacted*, That the Chancery Court for the County of Franklin, shall be held at ^{Times of hold-} ^{ing the Courts} Winchester, the first Mondays in February and August. For the County of Coffee, at Manchester, on the second Mondays in February and August. For the County of Cannon, at Woodbury, on the third Mondays in February and August. For the County of DeKalb, at Smithville, on the first Mondays of March and September. For the County of Warren, at McMinnville, on the fourth Mondays in March and September. For the County of Putnam, on the third Mondays in April and October. For the County of Smith, on the fourth Mondays in April and October. For the County of Grundy, at Altamont, on the second Mondays in April and October. For the County of White, at Sparta, on the third Mondays in March and September. And the Chancellor is hereby empowered and authorized to hold over, at any one Chancery Court, until Thursday of the succeeding week, and to continue the same hold-

ing over, if need be, till he shall have held all his Courts in his Division.

Chan. Ct. at Ripley. SEC. 4. *Be it further enacted,* That the Chancery Court at Ripley, for the County of Lauderdale, shall be held on the first Monday after the fourth Monday in May, and the fourth Monday in November.

Haywood, Madison, Dyer and Gibson. SEC. 5. *Be it further enacted,* That the Counties of Haywood, Madison, Dyer and Gibson, be, and the same are hereby constituted a separate Chancery District, and that a Chancellor be appointed or elected for said District, as for other Chancery Districts of the State, who shall hold Chancery Courts in said Counties, at such times and places, and with such jurisdiction, as heretofore have been in said Counties.

Hancock. SEC. 6. *Be it further enacted,* That hereafter, the Circuit Court for the County of Hancock, shall be holden on the third Mondays in January, May, and September. That the Circuit Court of Hawkins County shall be holden on the fourth Mondays in January, May and September.

Lincoln. SEC. 7. *Be it further enacted,* That from and after the passage of this Act, the times for holding the Chancery Courts at Fayetteville, in Lincoln County, shall be changed from the fourth Mondays in February and August, to the second Mondays in February and August.

Roane. SEC. 8. *Be it further enacted,* That hereafter, the Chancery Court for the County of Roane, shall be held on the fourth Mondays of April and October; and the Chancery Court for the County of Campbell, shall be held on the third Mondays of April and October.

Marshall. SEC. 9. *Be it further enacted,* That the time of holding the Circuit Court for the County of Marshall, in the Eleventh Judicial Circuit of said State, shall be changed so as to hold said Courts on the first Mondays of February, June and October.

SEC. 10. *Be it further enacted,* That all laws in conflict with this Act, be, and the same are hereby repealed; *provided,* that the February Term of 1867, of said Court, be held as usual, on the second Monday of said month.

SEC. 11. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER XXXIV.

AN ACT to Regulate and provide for the removal of any one, or more, or all, of the Servants, Agents, Commissioners, or other Officers of the State Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, And it is hereby declared, that any one, or more, or all of the Servants, Agents, Commissioners, or other officers of the State Penitentiary, shall be [subject to] removal, by resolution of the General Assembly.

SEC. 2. *Be it further enacted*, That whenever the General Assembly is not in session, and it shall be deemed proper, by the Governor of the State, and good cause shall exist, in his judgment, for the removal, he ^{Governor may} is hereby fully empowered to remove from office, any ^{remove.} one, or more, or all of the Servants, Agents, Commissioners, or other officers of said State Penitentiary, and appoint others in his, or their stead, and at the next ensuing session of the General Assembly, report the removal or removals, together with the cause of removal.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER XXXV.

AN ACT to Correct an error in an Act, as published, entitled "An Act to accept the surrender of the Charter of the Bank of Middle Tennessee, and for other purposes," passed June 8, 1865; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 1 of said Act be amended as recommended by the Bank Committee, page 254, House Journal, and adopted by the House, page 256, House Journal, June 6, 1865, by striking out, after the words, "liquidate the same," the words,

"and that all persons holding the notes of said Bank shall present them to the Bank for payment within three years, or afterwards they will be barred."

Middle Tenn.
Ins. Comp'y. SEC. 2. *Be it further enacted*, That an Act, entitled "An Act to incorporate the Middle Tennessee Insurance Company, at Lebanon, and for other purposes," passed March 24, 1860, be so amended as to locate the principal office at Nashville, instead of Lebanon; and that the names of E. R. Pennebaker, J. C. Warner, D. Weaver, W. L. Waters and T. D. Fite, be substituted in lieu of the original corporators.

Mississippi
Valley Ins.
Company. SEC. 3. *Be it further enacted*, That the charter of the Mississippi Valley Insurance Company, of Memphis, be so amended that the company may reduce their capital stock from five hundred thousand dollars, to three hundred thousand dollars, and that the number of Directors be reduced to nine.

Taxes. SEC. 4. *Be it further enacted*, That the Middle Tennessee Insurance Company, and the Mississippi Valley Insurance Company, of Memphis, shall be subject to such tax as may be imposed upon similar institutions in this State.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER XXXVI.

AN ACT to Amend Section 2114, Article 2, Chapter 4, of the Code of Tennessee; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Section 2114, Article 2, Chapter 4, of the Code of Tennessee, be so amended as to extend to leasehold property, occupied by every housekeeper, or head of a family, in this State, when such leasehold estate is for more than two and not exceeding fifteen years, under the same provisions and exemptions as provided for homesteads in fee.

SEC. 2. *Be it further enacted*, That the homestead upon leasehold estate shall not be exempted from execution or attachment, for rent due thereon. Homestead.

SEC. 3. *Be it further enacted*, That the registration in the county of Davidson, heretofore had under the Franchise Act of May 3, 1866, be, and is hereby, declared null and void; and no person shall be entitled to vote, by virtue of any certificate issued under said registration. Registration of Davidson Co., null and void.

SEC. 4. *Be it further enacted*, That the provisions of this Act shall extend to any other county in this State, where it shall be made to appear, to the satisfaction of the Governor, that frauds and irregularities have intervened in the registration of voters in such county; and the Governor shall make known such fact, and set aside said registration, by proclamation. Other Counties.

SEC. 5. *Be it further enacted*, That any person violating the provisions of the above sections, by voting, or attempting to vote, by virtue of a certificate issued from a registration thus declared null and void, shall be guilty of a misdemeanor, and upon conviction, be fined not less than ten nor exceeding one hundred dollars. Misdemeanor

SEC. 6. *Be it further enacted*, That section 3222 of the Code, be, and the same is hereby, repealed, so far as the same relates to the enrolling of State prosecutions by the Clerk. Code, Section 3222.

SEC. 7. *Be it further enacted*, That all laws requiring the Clerks of the various Courts to affix the seal of their respective Courts to the certificate of the Clerk to Bills of Cost in State prosecutions, be, and the same is hereby, repealed. Bills of Cost.

SEC. 8. *Be it further enacted*, That in any county of this State, where civil law suits have been removed from the county in which they had been originally brought, shall be transferred back to the county where they were originally brought, upon the affidavits of three unconditional Union men of the county where the suit was originally brought, that justice can be done all the parties; and then the same shall be tried, as in other cases. Civil Law Suits.

SEC. 9. *Be it further enacted*, That in addition to the property now exempt from execution, there shall be exempt from garnishment, attachment, or execution, the wages of any person laboring for compensation, to the extent and amount of one hundred dollars. \$100 exempt from garnishment.

SEC. 10. *Be it further enacted*, That where any woman shall die intestate, having a natural born child or children, whether she also leave a legitimate child or

Natural born child may inherit. children, or otherwise, such natural born child or children shall take, by the general rules of descent and distribution, equally with the other child or children, the estate, real and personal, of his, her, and their mother; and should either of such children die intestate, without child, his or her brothers and sisters shall, in like manner, take his or her estate.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER XXXVII.

AN ACT Extending the Elective Franchise to certain aliens.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all State, District, County, and all other civil elections, such aliens as have resided more than one year in the United States, and more than six months in the State of Tennessee, shall have the right of the Elective Franchise. *Provided*, That such persons shall have previously declared their intention to become citizens of the United States, and that they shall not have participated in the late rebellion.

Proviso.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER XXXVIII.

AN ACT to Ratify and Confirm the Removal of the County Seat of Shelby County, and amend the Act authorizing the same.

WHEREAS, By an an Act of the General Assembly of the State of Tennessee, passed May 24, 1866, the removal of the County Seat of Shelby County from Raleigh to Memphis, was to be submitted to the voters of Shelby County, upon notice of the Sheriff; and *whereas*, the election was held on the 15th day of September, 1866, in pursuance of said Act of 24th May, 1866; and *whereas*, a majority of the votes polled in said election, was in favor of the removal of the County Seat of the County of Shelby from Raleigh to the 5th Civil District of Shelby County, and within the corporate limits of the City of Memphis: Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the removal of the County Seat of Shelby County, from Raleigh to the 5th Civil District of Shelby County, and within the corporate limits of the City of Memphis, is hereby ratified.

SEC. 2. *Be it further enacted*, That all Acts done, Courts. and Courts held, by the County Court of Shelby County, by virtue of the removal of the County Seat of Shelby County, from Raleigh to the 5th Civil District of said County, and within the corporate limits of the City of Memphis, are hereby ratified and confirmed.

SEC. 3. *Be it further enacted*, That said Act, above referred to, passed 24th of May, 1866, be so amended as to authorize said County Seat of Shelby County, to be removed to, and located in, any Civil District within the corporate limits of the City of Memphis.

SEC. 4. *Be it further enacted*, That all laws, Repealed. and parts of laws, in conflict with this Act, are hereby repealed; and that this Act take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER XXXIX.

AN ACT to Increase the Fees of County Registers, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this Act, the Register of each County, be, and he is entitled to demand and receive for services, the following fees: For registering each Sheriff's deed for land, or each deed of conveyance, grant, or other assurance of title, including all the certificates, and for one tract, piece, or parcel of land, two dollars; for each additional tract or town lot, fifty cents; for registering decrees for title, under one hundred words, fifty cents—for each additional one hundred words, thirty cents; for registering transcript of judgment, one dollar; for registering any other instrument, one dollar; for each search of books, ten cents; for all copies from office, the same fees as for Registration, including seal; for each memorandum of incorporation, or other document relating to private corporations, registered under the Laws of Tennessee, two dollars; for each copy of such memorandum or document, two dollars; for registering copy of petition and certificate of election to be incorporated as a town, one dollar; for registering deed, or article of limited partnership, or renewal of same, and certificate of probate or acknowledgment thereof, one dollar.

Register's
Fees.

SEC. 2. *Be it further enacted*, That in all cases of attachment suits, where the Sheriff of any County in this State may levy an attachment, and the amount for which attachment is levied shall be paid or satisfactorily settled, the Sheriff levying the same shall be entitled to the same commissions as in cases of executions. And that this Act shall take effect from and after its passage.

Sheriff's Com-
missions.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XL.

AN ACT to Change the Time of holding the Courts in the Twelfth Judicial Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Circuit Courts of the Twelfth Judicial Circuit shall be held as follows, to-wit: For Hardin County, on the first Mondays of March, July and November. For the County of Wayne, on the third Mondays of March, July and November. For Perry County, on the fourth Mondays of March, July and November. For Decatur County, on the first Mondays of April, August and December. For the County of McNairy, on the second Mondays of April, August and December.

SEC. 2. *Be it further enacted*, That this Act shall not interfere with holding the said Circuit Courts at the next regular Terms, heretofore fixed by law.

SEC. 3. *Be it further enacted*, That the Chancery Courts of Maynardville, Union County, shall hereafter be held on the first Mondays of May and November, in every year; and the Chancery Courts at Clinton, in Anderson County, shall hereafter be held on the second Mondays of May and November, in each year. And that this Act shall take effect from and after its passage

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLI.

AN ACT to Authorize the County Court of Hawkins County to issue Bonds; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Hawkins County, may, by a vote of two-thirds of its mem-

bers, issue Coupon Bonds for the amount of the indebtedness of said county; no debt to be paid which was made, in any way, to aid the rebellion.

Other Counties allowed the same privileges.

SEC. 2. *Be it further enacted*, That the counties of Grainger, Claiborne, Campbell, Anderson and Union, be, and they are hereby, entitled to exercise the privileges granted by this Act to the county of Hawkins.

SEC. 3. *Be it further enacted*, That the counties of Bedford and Marshall, be allowed the benefits of this Act.

SEC. 4. *Be it further enacted*, That the counties of Washington, Sullivan, Carter and Johnson, be, and they are hereby entitled to enjoy the full benefits of the foregoing Act.

SEC. 5. *Be it further enacted*, That the counties of Wayne and Hardin be entitled to the privileges of this Act.

SEC. 6. *Be it further enacted*, That the counties of Greene, Monroe, White, Franklin, Dyer and Smith, be, and they are hereby, entitled to the benefits of this Act, and subject to the same restrictions.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLII.

AN ACT for the Benefit of the Tennessee School for the Deaf and Dumb; and the Blind School.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed January 30, 1860, be amended by the following amendment: That the amount heretofore allowed by law, be, and is hereby appropriated, annually, out of the State Treasury, for the support of each indigent pupil in attendance at the Tennessee School for the Deaf and Dumb;

Act of Jan. 30, 1860 amend'd

which amount shall be paid to the Board of Trustees quarterly, to commence from the 1st day of October, 1867; each application to be accompanied by a certified statement of the number of pupils in attendance; the money to be paid out to the Secretary of the Board of Trustees of said School, upon the Warrant of the Comptroller of the State of Tennessee. That the Blind School of the State of Tennessee at Nashville, shall also be entitled to the benefit of this Act. Blind School.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLIII.

AN ACT to Change the time of holding the Chancery Courts at Benton, Polk County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the Chancery Courts at Benton, in Polk county, Tennessee, shall be holden on the third Mondays of January and July in each year, instead of the third Mondays of June and December, as now provided by law.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLIV.

AN ACT to Cede to the United States the jurisdiction over the National Cemeteries in this State, and to protect the same.

Preamble.

WHEREAS, In the late bloody sacrifice, to restore and maintain to the people of Tennessee the imperiled free institutions of our fathers, more than fifty-five thousand of our fallen patriots were buried in our State, and the Government of our common Union has provided appropriate cemeteries for the remains of these victims of rebellion, and requires that these cemeteries be held sacred, under the protection of the nation; therefore,

Proviso.

Names of
Cemeteries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the exclusive jurisdiction over the several tracts of land and parcels of ground, with the appurtenances thereto, obtained, purchased, used or occupied for burial purposes, by or for the United States, hereinafter described by their names and location, with the premises thereto attached, for officers' and soldiers' quarters, and for guards, is hereby ceded to the United States. *Provided, however*, That jurisdiction thereof shall be retained by the State of Tennessee, so far as to punish offenders against this law, by presentment or indictment, and fine or imprisonment, as hereinafter provided: Knoxville National Cemetery, in Knox County, containing about 4 acres; Chattanooga National Cemetery, in Hamilton County, containing about 75 acres; Stone's River National Cemetery, in Rutherford County, containing about 16 acres; Shiloh National Cemetery, in Hardin County, containing about 10 acres; Cumberland River National Cemetery, in Stewart County, containing about 25 acres; Mississippi National Cemetery, in Shelby County, containing about 25 acres; Nashville National Cemetery, on Craighead place, (so-called,) in Davidson County, containing about 64 acres; Columbia National Cemetery, in Maury County, containing about — acres; Cumberland Gap National Cemetery, in Claiborne County, containing about 2 acres; Hazen's Brigade National Cemetery, in Rutherford County, containing about — acres.

Jurisdiction.

SEC. 2. *Be it further enacted*, That the exclusive jurisdiction over all tracts and parcels of land, with the buildings and appurtenances belonging to the same, including the quarters for officers, keepers, guards or soldiers in charge of the same, and the premises connected

therewith, now, or at any time hereafter purchased, used or occupied by the United States, their officers or agents, for Cemeteries or burial places, within the limits of this State, is hereby ceded to the United States; and whenever such premises shall be no longer required, used or occupied by the United States, the jurisdiction of such abandoned property, may revert to the State of Tennessee. Same.

SEC. 3. *Be it further enacted*, The property over which jurisdiction is ceded herein, shall be held exonerated and free from any taxation or assessment under the authority of this State, or of any municipality therein, until the jurisdiction shall have reverted; and the title and possession to said cemeteries, grounds, buildings and appurtenances shall be protected to the United States; and no process of any Court shall be permitted against the same, or to dispossess the officers or agents of the United States thereof, without restricting any just claim for damages or value, in the forum or mode provided by the United States for prosecuting the same. Free from Taxation.

SEC. 4. *Be it further enacted*, That any malicious, willful, reckless, or voluntary injury to, or mutilation of the graves, monuments, fences, shrubbery, ornaments, walks or buildings of any of said cemeteries, or burial places, or appurtenances, shall subject the offender or offenders, each, to a fine of not less than twenty dollars; to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail or work house, to be prosecuted before any Court of competent jurisdiction. Mutilation of graves.

SEC. 5. *Be it further enacted*, That this Act shall take effect and be in force from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLV.

AN ACT to Authorize the County Court of Lincoln County to establish an additional Voting Box in the Sixth Civil District of said County; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Lincoln County is hereby authorized to establish an additional voting box, at Bell's Store, on Norris Creek, Civil District No. 6, of said County.

McNairy Co. **SEC. 2.** *Be it further enacted,* That there shall be an additional voting box established in the Seventh Civil District of McNairy County, at Bethel Springs, on the M. & O. Railroad.

Davidson, Shelby and Knox Counties. **SEC. 3.** *Be it further enacted,* That the Sheriffs, or Registers of voters, of Davidson, Shelby and Knox Counties, are hereby authorized, in State and County elections, to open the polls in each Ward of the Cities of Nashville, Memphis and Knoxville, and East Knoxville.

SEC. 4. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLVI.

AN ACT to Create an additional number of Justices of the Peace, and Notaries Public, for the City of Memphis, in the County of Shelby; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected, by the qualified voters of the City of Memphis, in the County of Shelby, eight Justices of the Peace for said City, in addition to the number heretofore allowed by law; four of said Justices to reside in the Fifth, and four

in the Fourteenth Civil District of said County of Shelby, in which is situated the said City of Memphis; said Justices to be elected and commissioned, as other Justices in this State.

SEC. 2. *Be it further enacted*, That there shall be appointed by the Judge of the County Court of Shelby County, three Notary Publics for the City of Memphis, in addition to the number now allowed by law.

SEC. 3. *Be it further enacted*, That Notaries Public shall have the same power as Justices of the Peace of this State, to administer oaths, to take depositions, to qualify parties to Bills in Chancery, and to affidavits in all cases; and in all such cases the Notaries' seal shall be affixed. Powers.

SEC. 4. *Be it further enacted*, That the town of Taylorsville, Johnson County, shall be entitled to one additional Justice of the Peace, to be elected by the qualified voters of the Civil District in which said town is situated. Taylorsville.

SEC. 5. *Be it further enacted*, That the Eighth Civil District in the County of Polk, shall elect one additional Justice of the Peace, who shall reside at and keep his office in the Town of Hiwassee, in said Civil District, with all the powers and privileges of other Justices of the Peace in said County. Polk County.

SEC. 6. *Be it further enacted*, That the Sheriff of Haywood County shall have the authority and power to appoint an additional Deputy in Haywood County. Haywood.

SEC. 7. *Be it further enacted*, That any Justice of the Peace, elected in and for any county of this State, who hereafter shall open an office for the trial of causes in any other Civil District, City or Ward, than the one in and for which such Justice shall have been elected, shall thereby vacate his office; and the Sheriff, upon giving the usual notice required by law, shall proceed to elect a Justice to fill such vacancy. Justices of the Peace.

SEC. 8. *Be it further enacted*, That any Justice of the Peace in this State, who, from and after the passage of this Act, shall continue in any office that he may have opened out of the Civil District, City, Corporation or Ward, in and for which he may have been elected, and reside for the period of ten days, shall forfeit his office; and the Sheriff shall at once proceed to fill the vacancy, proceeding as directed in the Code of Tennessee, section 342. Ten days' time.

SEC. 9. *Be it further enacted*, That the Charter of the City of Memphis be amended as follows: That all this.

Metropolitan
Police Fund.

revenue arising to the City of Memphis, from taxes on sales and privileges, shall constitute a special fund, to be known as the Metropolitan Police Fund, which shall be applied to the payment of the expenses of the Metropolitan Police force within said City, and to no other purpose whatever, except as hereinafter provided.

City Tax Col-
lector.

SEC. 10. *Be it further enacted*, That said tax shall be collected by the City Tax Collector, on privileges, who shall pay over to the Financial Commissioner of the Metropolitan Police, within the first five days of each month, the amount collected by him during the preceding month.

Appropriations.

SEC. 11. *Be it further enacted*, That no appropriation for other purposes than to defray the expenses of the Metropolitan Police force shall be paid out of this fund. The Tax Collector shall not receive, in payment of said taxes, any warrant drawn by virtue of any appropriation by the Board of Aldermen, or for any indebtedness of the City of Memphis, other than the expenses of the Metropolitan Police Force.

Same.

SEC. 12. *Be it further enacted*, That all appropriations for Police purposes shall be made by the Board of Police Commissioners, appointed by virtue of "An Act to establish a Metropolitan Police District, and to provide for the government thereof," passed May 14, 1866. Any warrant drawn by two or more of said Commissioners, by virtue of such appropriation, shall be received by the Tax Collector in payment of said tax on privileges.

Same.

SEC. 13. *Be it further enacted*, That in case the Board of Mayor and Aldermen neglect or refuse to levy the tax on sales and privileges authorized by law, or shall fix the same at a less amount than the State tax on like sales and privileges, then the Board of Police Commissioners are hereby authorized to levy such tax, which shall be collected in like manner as those levied by the Board of Mayor and Aldermen.

Refusal to
collect, &c.

SEC. 14. *Be it further enacted*, That in case the City Tax Collector neglects or refuses to collect the tax on privileges, as provided for in this Act, or neglects or refuses to pay over the amount collected to the Financial Commissioner of the Metropolitan Police Board, as herein provided, then the Board of Police Commissioners shall appoint a proper person to collect said taxes, who shall take the oath required by law, and give such bond as may be required by the Board of Commissioners, not less than twenty-five thousand dollars, nor more

than fifty thousand dollars; and such person shall be entitled to the same compensation as is now allowed to the City Tax Collector on privileges.

SEC. 15. *Be it further enacted*, That the Board of Mayor and Aldermen is authorized to increase the tax on tippling houses to two hundred and fifty dollars per annum; and in case of neglect or refusal to increase it to at least one hundred and fifty dollars per annum, then the Board of Police Commissioners is hereby authorized to levy the said tax, of not less than one hundred and fifty dollars, nor more than two hundred and fifty dollars; the same to be collected by the Tax Collector, as in other cases. Tippling Houses.

SEC. 16. *Be it further enacted*, That any surplus remaining in the hands of the Police Commissioners, after defraying the expenses of the Police, including the amount advanced by the State, and other indebtedness already incurred, shall be reported to the City Comptroller, and paid over to the Treasurer of the City of Memphis. Surplus.

SEC. 17. *Be it further enacted*, That no injunction shall be granted by any Judge or Court in this State, upon any bill alleging or involving the unconstitutionality of this Act, or of any provisions thereof, or of the "Act to establish a Metropolitan Police District, and to provide for the government thereof," or of any provisions thereof, whereby any person or officer shall be restrained from performing the duties required of him by this Act, or by the said Act to establish a Metropolitan Police District, &c., except upon a full hearing on bill and answer; and in case an injunction be granted upon such hearing, an appeal shall be [made] to the Supreme Court, which, if taken, shall suspend such injunction until otherwise decided, upon final hearing in said Supreme Court. Injunction:

SEC. 18. *Be it further enacted*, That whenever the Board of Mayor and Aldermen of the City of Memphis shall make the necessary appropriation, and pay in money a sufficient sum to pay the Treasurer of the State of Tennessee the money advanced by him on the Comptroller's warrant, and the money advanced by the Tennessee National Bank, for the payment of the Metropolitan Police Force of the City of Memphis, and a sufficient sum to support the said force, from month to month, then this Act shall be void and of none effect. When null and void.

SEC. 19. *Be it further enacted*, That the Treasurer of the State is hereby prohibited from making any fur-

ther payment for the use of Metropolitan Police purposes at Memphis and Chattanooga and Nashville.

Statement to
be made to
Mayor.

SEC. 20. *Be it further enacted*, That every officer or appointee of said Metropolitan Police, shall, on the first day of each month, file with the Mayor of the City of Memphis, a statement, under oath, showing the amounts in money or property that they have received, or which has passed through their hands as rewards for services, for captures or seizures, for levies or assessments, or in any manner, or for any purpose whatever, from all persons, during the preceding month; giving the names of those from whom received, what for, and the dates when received, and account for the whole amount thereof, before they shall be entitled to receive their salaries or compensation as such officer or appointee.

County Com-
missioners.

SEC. 21. *Be it further enacted*, That there shall be established in the County of Shelby, in this State, a Board of County Commissioners, to consist of five persons, who, previous to their appointment or election, shall have been residents of said County not less than two years, each to serve for the period of five years, and until his successor is elected and qualified, except only in case of appointment, as hereinafter provided; one of whom shall be elected by the qualified voters of said County on the first Saturday of March of each year, the first election to take place in the year A. D., eighteen hundred and sixty-eight, and annually thereafter; and until which elections shall take place, the said Commissioners shall be appointed by the Governor of this State, who shall designate, in the commissions to be issued to each member of said Board, the period at which their times of service shall successively expire—the first to hold from the date of his appointment until the election in March, A. D., one thousand eight hundred and sixty-eight; the second until the election in March, one thousand eight hundred and sixty-nine; the third until the election in March, one thousand eight hundred and seventy; the fourth until the election in March, one thousand eight hundred and seventy-one, and the fifth until the election in March, one thousand eight hundred and seventy-two—the last named to be commissioned as President of said Board, and to hold his office as such until the term of his office as Commissioner shall expire, after which each member of said Board shall be the President thereof, from the commencement until the close of the last year of his term of service.

How chosen.

Terms of office

SEC. 22. *Be it further enacted*, That whenever it shall become necessary to fill a vacancy occasioned by the death, resignation or removal of any one of said Commissioners, the same shall be filled by appointment of the said Board of Commissioners; but such Commissioner, so appointed, shall hold his office only until the next annual election by the people; and the person elected thereat to fill such vacancy shall serve until the term of the member whose death, resignation or removal, caused such vacancy, shall expire. *Provided*, That in all cases, the member who shall have actually served, or have been elected for the longest period, as a member of said Board, shall be the President.

SEC. 23. *Be it further enacted*, That before any Commissioner, elected or appointed under this Act, shall enter upon the duties of his office, he shall give bond, with good and sufficient sureties, in the sum of twenty thousand dollars, to be approved by any Judge of a Court of Record in said County, conditioned for the faithful performance of his duties as such Commissioner, and shall likewise take and subscribe an oath of office, such as is now required by law for other County officers, before any Justice, Judge or Clerk, now authorized to administer oaths, and the same shall be endorsed upon the said bond; which bond, and approval of the same by the Court, together with the oath, shall be filed and entered upon records of said Board of Commissioners; and in case any person elected or appointed as such Commissioner, fail to give bond as aforesaid, before or at the next regular meeting of the said Board, his office shall be declared vacant, and his successor appointed by the remainder of the Board.

SEC. 24. *Be it further enacted*, That the Board of County Commissioners shall hold four sessions, annually, at the City of Memphis, at the times now provided by law for the holding of the regular terms of the Quarterly Court of said County. Three members shall constitute a quorum to do business. In the absence of the President, a President *pro tem.*, may be elected. The Clerk of the County Court of said County shall be the Recorder of said Board, and shall discharge all the duties in reference thereto which he is now required to perform as Clerk of the said Quarterly Court.

SEC. 25. *Be it further enacted*, That all the powers and duties which are now vested in and performed by the Quarterly Court of said County, shall be vested in the said Board of Commissioners. And in addition to

Same.

the powers now conferred by law, the said Board shall have authority to insure the public buildings, and other property of the County; to order and contract for surveys and maps of the County; to provide for payment of expenses, and furnishing Court rooms; to establish grades; to purchase record books, and all necessary stationery for their own use, as a Board, and for the Clerk's offices, and other Courts in the County; to provide for the compensation and expense of jurors as fixed by law; to appoint an attorney for the County, whose duty it shall be to prosecute and defend all suits in behalf of the County, advise said Commissioners upon legal questions, to inspect and examine all bonds of other officers of the County, prepare forms for blanks to be used by said Commissioners, attend generally to the interests of the County, and all other matters properly within the sphere of his duties, which may be required of him by said Board; to appropriate money for their own, and the salaries of other officers of the County; to provide such additional compensation to the salaries of the Judges of the Courts of Memphis, as may be just and reasonable; to subscribe stock in Railroads, which the County Court of Shelby County has been authorized, by general or special law, to subscribe, and under the same conditions and restrictions, and to represent such stock in all elections for Directors, and provide for the payment of subscriptions as made; to fix the salary of the Probate Judge, and to make all necessary appropriations to carry out the above powers. No money shall be drawn from the Treasury, except upon a warrant signed by the President of said Board of Commissioners, and countersigned by the County Clerk. And the said Commissioners are hereby vested with all powers, which, by the Code of Tennessee, have heretofore been vested in the County Court, in the following sections of the Code of this State, viz: 4206, 4207, 4211, 4212, 4213, 4214 and 4215.

Same.

Magistrates relieved.

SEC. 26. *Be it further enacted*, That the Magistrates of the said County of Shelby, shall be, and are hereby relieved from all further duties and obligations incident to their office, as members of the Quarterly Court of said County.

Contracts.

SEC. 27. *Be it further enacted*, That no Commissioner of said Board, shall, directly or indirectly, be concerned in any contract for work to be done, or material to be furnished, for the County; and any such violation shall, in addition to the penalties provided by law, subject the offender to removal from office.

SEC. 28. *Be it further enacted*, That the said Commissioners, or either of them, are hereby authorized and empowered to administer all oaths of affirmation, necessary in discharging the duties of their respective offices.

SEC. 29. *Be it further enacted*, That any person a party to any matter determined by said Commissioners, Appeals. may appeal from such decision, to the Circuit Court of the said County, or the Law Court of Memphis, within ten days thereafter, notifying the Commissioners or their attorney, at least ten days before the trial or term at which such case shall be tried, which notice shall be in writing, and a copy thereof filed with the attorney, or President of said Board.

SEC. 30. *Be it further enacted*, That the compensation of the President of said Board, shall be three thousand dollars per annum, and of the other Commissioners, each, two thousand five hundred dollars per annum, payable, quarterly, out of the County Treasury. Compensation

SEC. 31. *Be it further enacted*, That the Fifth, Thirteenth, and Fourteenth Civil Districts of Shelby County, in which Memphis, Chelsea and Fort Pickering are situated, shall constitute a Judicial District, Judicial District. with a Court having a Law and Criminal Jurisdiction with the Civil Districts aforesaid, as herein prescribed.

SEC. 32. *Be it further enacted*, That said Court shall be styled and known as the "Municipal Court of Name. Memphis."

SEC. 33. *Be it further enacted*, That said Court shall have a Law jurisdiction, concurrent with the Law Jurisdiction Court of Memphis, of all civil cases arising out of, or from contract, wherein the amount sued for does not exceed the sum of three hundred dollars; and also, appellate jurisdiction of all cases taken to said Court by appeal or *certiorari*, from any of the Justices of the Peace in said Districts. Said Court shall also have the exclusive jurisdiction heretofore exercised by the Law Court of Memphis, of all cases appealed from the Recorder's or Police Commissioners' Court of Memphis.

SEC. 34. *Be it further enacted*, That said Court shall have and exercise exclusive jurisdiction of all misdemeanors, and of all crimes and offenses for which the maximum punishment does not exceed five years imprisonment in the Penitentiary, committed within the limits of the District aforesaid; and the Criminal Court of Memphis shall retain exclusive jurisdiction of all felonies for which the maximum punishment is greater than above specified. The Municipal Court Same

shall also have exclusive jurisdiction of all appeals from the judgments of Justices of the Peace in said Districts, wherein fines are levied under the provisions of the Code, relating to "Small offenses."

Judge.

SEC. 35. *Be it further enacted*, That there shall be appointed by the Governor, a Judge of the Municipal Court, who shall hold his office till the regular election in 1870, for the election of Judges and other officers, as prescribed by law, and who shall receive a salary of two thousand five hundred dollars per annum.

Attorney.

SEC. 36. *Be it further enacted*, That there shall be appointed by the Governor, for the Districts aforesaid, as provided for in sec. 5 of this Act, for the appointment and election of the Judge of said Court, a Prosecuting Attorney, who shall attend the terms of the Municipal Court and perform similar duties to those required by law of the Attorney General, in relation to the business of the Criminal Court of Memphis, and shall receive the same compensation therefor; and who shall hold his office until his successor shall be elected and qualified.

Clerk.

SEC. 37. *Be it further enacted*, That there shall be appointed by the Governor, a Clerk of the Municipal Court of Memphis, whose duties shall be the same as those of the Clerk of the Law and Criminal Courts of Memphis, and who shall receive the same compensation therefor, and who may have one deputy. He shall give bond and qualify as required by law of the Clerk of the Law Court of Memphis. He shall hold his office by appointment, till the regular election as aforesaid, and until his successor shall be elected and qualified.

Marshal.

SEC. 38. *Be it further enacted*, That there shall be appointed by the Governor, a Marshal for said Court, to hold his office until his successor shall be elected and qualified, as provided by law for the election of County Sheriffs in the State, and that he shall receive the same compensation, and give bond in the same amount, and perform the duties and have the same powers in said Municipal Court, as provided by law for Sheriffs. Said Marshal shall have the power and authority, by and with the consent of the Judge of the said Municipal Court, to appoint one or more deputies for said Court, as may be necessary. The duties and powers of said Marshal shall be strictly confined to the jurisdiction of said Court.

Monthly
Terms.

SEC. 39. *Be it further enacted*, That the Municipal Court shall hold a term for each month in the year,

termining on the first Tuesday in each month. All process shall be tested as heretofore prescribed by law ^{Same.} in other Courts. Original process on the Law side of the Court shall be returnable five days before the first day of the Term to which it is issued. The Terms of said Court for the months of February, June and October, of each year, shall be for the transaction of business upon the Criminal side of the Court exclusively, and the remaining Terms in each year shall be devoted to the business of the Law side of the Court exclusively.

SEC. 40. *Be it further enacted*, That all causes on the Law side of said Court, shall be tried by the Judge ^{How tried.} hereof, unless either party to the suit shall insist upon a Jury trial; in which case, the trial shall be by Jury, as in the said Court of Memphis; *Provided*, That all appeals from the Recorder's or Police Commissioners' Court of Memphis, shall be tried by the Judge of the Court, as elsewhere provided in this Act.

SEC. 41. *Be it further enacted*, That the Judge of the Municipal Court shall issue a *venire* for twenty-five jurors to attend each Term of the Law side of said Court, and shall appoint a Grand Jury and two Petit Juries to attend each Term, upon the Criminal side thereof. He shall have power to enforce the attendance of jurors and witnesses, by fine and otherwise, as in the Circuit Courts; and shall have all the powers granted to Judges of other Courts, necessary to a prompt transaction of the business of the Court, to compel obedience to its orders and decrees, preserve order and punish contempts. ^{Jurors.}

SEC. 42. *Be it further enacted*, That the Judge of said Court may adopt rules of practice for both the Law ^{Rules of practice.} and Criminal sides thereof, in like manner as other Judges have power to do in similar cases; and may enforce the attendance of the officers of the Court, as in other Courts.

SEC. 43. *Be it further enacted*, That the Judge of said Court shall have power to issue writs of *habeas* ^{Habeas corpus.} *corpus*, and hear and determine the same, and exercise all the powers of a Judge at Chambers in all matters within the jurisdiction of said Court; but shall not issue extraordinary process to other Courts, nor exercise the interchangeable powers now conferred on Chancellors and Circuit Judges.

SEC. 44. *Be it further enacted*, That any person taking an appeal from the judgment of any Justice of the

Appeals.

Peace within the District aforesaid, may elect to take such appeal either to the Law Court, as heretofore, or to the Municipal Court, as the appellant shall see fit. In case said appeal is taken to the Municipal Court, it shall be the duty of the Magistrate before whom the case was tried, to forward the papers therein to the Clerk of the Municipal Court of Memphis, without delay; and he shall require an appeal bond as now required in appeals to the Law Court of Memphis.

Same.

SEC. 45. *Be it further enacted*, That all appeals from the Recorder's or Police Commissioners' Court of Memphis, shall be taken to the Municipal Court of Memphis, and the officer holding said Recorder's or Police Commissioners' Court, shall forward the papers therein, without delay, to the Clerk of the Municipal Court. Such appealed cases shall be heard and determined by the Judge of the Municipal Court, in accordance with the provisions of so much of Chapter 2, Title 9, Part 3, of the Code of Tennessee, as pertain to cases appealed from the Recorder's Court of Memphis to the Law side of the Common Law and Chancery Court of Memphis; and no appeals shall be taken from the Police or Recorder's Court, except in the manner prescribed in that chapter. All judgments of the Police Court re-affirmed in the Municipal Court, shall be collected for the use of the Financial Commissioner of the Metropolitan Police, and shall be paid over to that officer by the Clerk of the Municipal Court. And in all cases where execution issues upon any such judgment, and is returned unsatisfied in whole or in part, a *mittimus* shall issue from the Municipal Court, committing the original party defendant, to the City Workhouse, in like manner as the same might issue in the first instance, from the Recorder's or Police Commissioners' Court.

Judgments.

Supreme Court.

SEC. 46. *Be it further enacted*, That appeals and writs of error will lie in all cases from the Municipal Court direct to the Supreme Court, as from the Law and Criminal Courts of Memphis.

Rooms.

SEC. 47. *Be it further enacted*, That the County of Shelby shall furnish suitable rooms, with necessary conveniences and appurtenances, for holding the Terms of the Memphis [Municipal] Court, and for the use of its officers.

SEC. 48. *Be it further enacted*, That all Acts and parts of Acts conflicting with the provisions of this Act, be, and the same are hereby repealed; *provided*, that the salary of the Judge, provided for by this Act, shall be paid by the County of Shelby.

SEC. 49. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER XLVII.

AN ACT to Increase the Revenue of the State, and amend the laws relating thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Revenue Laws of the State shall be, and are hereby amended, as provided in the following sections:

SEC. 2. *Be it further enacted*, That goods, wares and merchandise, brought, or sent into this State, for sale at auction, or on commission—excepting raw cotton—shall pay the same tax as is imposed by this Act on sales of merchandise by merchants, and shall be collected in the same manner; and all attempts to evade said tax, or refusal or failure to pay the same, shall be a forfeiture of the said goods, wares and merchandise. And it shall be the duty of the Attorney General of the District, on information, to bring suit, and enforce said forfeiture, for which he shall be allowed, out of the proceeds of sale, a fee of twenty-five dollars.

Auction or
Commission
sales.

SEC. 3. *Be it further enacted*, That on all merchandise purchased for sale by merchants, a tax of one per cent. shall be assessed on its invoice cost at the place where purchased, unless the tax on the same has once before been paid to the State, in which case no additional tax shall be paid.

One per cent.
on cost.

SEC. 4. *Be it further enacted*, That all laws taxing Saw Mills, Tan Yards, and other manufacturing establishments, otherwise than in the general assessment of property at its value, are hereby repealed; but such establishments shall be included in the general assessment of property and stock at its value.

Manufactur'g
establishm'ts.

Other Acts
not affected.

SEC. 5. *Be it further enacted,* That all laws of the State in reference to taxes, except as altered, repealed or suppressed by the provisions of this Act, shall remain in full force and effect; and it is expressly provided that the taxes heretofore imposed upon saloons for refreshments, and upon the sale of liquors in quantities less than a quart, are not to be affected by any provisions of this Act.

SEC. 6. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER XLVIII.

AN ACT to Pay the Current Expenses of this Session of the General Assembly; and for other purposes.

Members.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the Treasury issue his Warrant to each member of the Senate and House of Representatives, for the sums to be stated to be due to each one in the annexed Report of the Committee on Finance.

SEC. 2. *Be it further enacted,* That the Comptroller issue his warrant to the officers of the Senate and the House of Representatives, to-wit:

Officers.

	Days.	Dollars	Cents
H. G. Flagg, P. C. of the Senate...	127	762	00
Clay Newland, E. C. of the Senate...	127	762	00
W. T. Cate, Door-keeper of the Senate	127	508	00
B. F. Smith, Messenger of the Senate	127	508	00
Wade Hickman, Porter of the Senate	127	508	00
E. H. Gowen, P. C. H. of R.	127	762	00
Ben. Cunningham, As't. Cl'k H. of R.	127	762	00
G. W. Blackburn, E. C. H. of R. ...	127	762	00
Anderson Hill, Door-keeper H. of R.	127	508	00
J. C. Martin, Ass't. Door-keeper....	127	508	00
Buck Lewis, Porter.....	127	508	00

SEC. 3. *Be it further enacted*, That the Principal Clerk of the Senate, and the Principal Clerk of the House of Representatives, shall remain a sufficient time ^{Clerks to remain.} after the adjournment, to file their papers of the Senate and House of Representatives, in the Secretary's office, and close up their business; for which each of them shall be allowed their per diem, and thirty cents per page for copying the unfinished Journals; and that the Comptroller issue his warrant for the same.

SEC. 4. *Be it further enacted*, That the Comptroller issue his warrant to and pay the several publishers of the city papers, for the papers actually furnished the ^{Newspapers.} General Assembly, and laid upon the tables of each member every day of the session, at the current subscription price of the same. Said payment shall be made in accordance with a resolution adopted by the present General Assembly, regulating the number of papers each member shall receive at the expense of the State.

SEC. 5. *Be it further enacted*, That the Hon. William Heiskell, or the Speaker *pro tem.* of the House of ^{Speaker of House.} Representatives, shall remain a sufficient time after the adjournment to close up his official business, and that he be allowed his per diem, and that the Comptroller issue his warrant for the same.

SEC. 6. *Be it further enacted*, That the Comptroller issue his warrant to William Davidson for two hundred ^{W. Davidson.} and eighty dollars, for mileage and per diem while holding his seat as the member from Jackson County, as per Resolution No. 314.

SEC. 7. *Be it further enacted*, That the Comptroller issue his warrant to M. A. Graves for two hundred and ^{M. A. Graves.} sixty dollars, allowed him for mileage and per diem while contesting the seat of William Davidson, of Jackson County, as per Resolution No. 314.

SEC. 8. *Be it further enacted*, That the Comptroller ^{W. W. Coleman.} issue his warrant to W. W. Coleman for one hundred and sixty-seven dollars and twenty cents, for mileage and per diem, as per Resolution No. 321.

SEC. 9. *Be it further enacted*, That the Comptroller issue his warrant to E. H. Gowen, P. C. of the H. of ^{E. H. Gowen.} R., for the sum of two hundred and twenty-seven dollars and ten cents, for services rendered, as per Resolution No. 299.

SEC. 10. *Be it further enacted*, That the Comptroller issue his warrant to H. G. Flagg, P. C. of the Senate, ^{H. G. Flagg.} and E. H. Gowen, P. C. of the H. of R., for one hun-

dred and fifty dollars each, for making out and preparing an Index to the Journals of the Senate and H. o R., for the present session.

G. W. Blackburn. SEC. 11. *Be it further enacted*, That the Comptroller issue his warrant to G. W. Blackburn, E. C. of the H. of R., for forty-two dollars, for services rendered, as per Resolution No. 301.

P. Pearson. SEC. 12. *Be it further enacted*, That the Comptroller issue his warrant to P. Pearson for thirty-two dollars, for balance due him for mileage for last session of this General Assembly, as per Resolution No. 337.

House. SEC. 13. *Be it further enacted*, That the Comptroller issue his warrant to each member and officer of the House of Representatives for ten dollars, to procure postage stamps for the use of the members and officers of the same, as per Resolution No. 273.

J. B. Frierson. SEC. 14. *Be it further enacted*, That the Comptroller issue his warrant to J. B. Frierson for the amount of five dollars, for telegraphic dispatches to absent members.

To remain. SEC. 15. *Be it further enacted*, That the Hon. J. B. Frierson, Speaker of the Senate, shall remain a sufficient time after the adjournment, to close up his official business, and he be allowed his per diem; and that the Comptroller issue his warrant on the Treasury for the same.

W. T. Cate. SEC. 16. *Be it further enacted*, That the Comptroller issue his warrant on the Treasury, to W. T. Cate, Doorkeeper of the Senate, for the sum of five hundred and fifty dollars, for postage stamps for the use of the Senate.

Court of Impeachment. SEC. 17. *Be it further enacted*, That there shall be paid, as compensation to the presiding officer of the Senate, and Senators sitting as a Court of Impeachment, (in the case of Thomas N. Frazier,) and its officers, and to the managers and counsel on the part of the House of Representatives, the same per diem herein provided to be paid to the Speaker of the Senate, and Senators and officers; payable in the same manner, with mileage also, at the same rate, in coming to and going from the Capitol. There shall also be paid a sum for necessary expenses attending said trial, to be received and disbursed by the presiding officer of the Court; and the Comptroller shall audit the accounts, and issue warrants for said compensation to such presiding officer, Senators and officers, and to said managers and counsel of the House, and necessary expenses.

SEC. 18. *Be it further enacted*, That the Engrossing Clerk of the House and the Engrossing Clerk of the Senate, remain at the Capitol after the adjournment, a sufficient time to enroll the Acts that are not enrolled at the adjournment, and that they be allowed their per diem for the same, and that the Comptroller issue his warrant on the Treasurer for the same. Engr'g Clerk of House.

SEC. 19. *Be it further enacted*, That the Comptroller issue his warrant to James Parks, for eight dollars, per diem, not allowed him in the October Session of this General Assembly. Jas. Parks.

SEC. 20. *Be it further enacted*, That the Comptroller issue his warrant to each of the members and officers of this General Assembly named in this Act, for the amount of his mileage and per diem from 2nd day of October, 1865, including the Called Session of July, 1866, to the close of the present Session, payable in specie or its equivalent, at forty per cent., that being a fair average of specie for all the time; *provided*, that the amounts received by the Clerks of the Senate and the Clerks of the House, for extra work done by order of their respective Houses, in copying the Journals, etc., be included in their accounts respectively, upon which they shall receive the benefit of said Senate Joint Resolution, No. 41. Members and officers of Genl Assembly.

SEC. 21. *Be it further enacted*, That the Governor be, and he is hereby, empowered to settle with the Attorneys employed in defending the suit of B. L. Ridley vs. F. Sherbrooke, Register for Rutherford County, and the Comptroller is authorized to issue his warrant on the Treasury to pay the same, on the presentation of the certificate of the Governor. Attorneys.

SEC. 22. *Be it further enacted*, That the Governor is hereby empowered to settle with the attorneys employed to defend the suits for damages, preferred by P. Williams and A. J. Martin against G. W. Anderson and divers other members of the House of Representatives; and the Comptroller is hereby authorized to issue his warrant to the Governor for said attorneys' fees, with all costs and damages that may be adjudged or awarded, (if any,) against said defendants; and the Treasurer is hereby authorized and directed to pay the same, as per Resolution No. 357. Same.

SEC. 23. *Be it further enacted*, That all warrants issued by the Comptroller to the officers and members of this General Assembly, for mileage and per diem, from October 2nd, 1865 to the 5th day of Nov'r., 1866, be, and the same is hereby declared to be null and void, and that

the Treasurer of the State be entitled to a credit for the amount that he has heretofore paid the respective officers and members of this General Assembly.

Penitentiary SEC. 24. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer, to the Directors of the Penitentiary, for twenty thousand dollars, for the extension of the West Wall of the Penitentiary, and for the erection of improvements, and the further sum of twenty-five thousand dollars, or so much thereof as may be necessary to pay the debts of the Penitentiary; and the further sum of ten thousand dollars for the support of the Institution.

Wm. Heydt SEC. 25. *Be it further enacted*, That the Comptroller issue his warrant to Capt. William Heydt, Sergeant-at-Arms of the House of Representatives, for seven hundred and nineteen dollars and ninety-five cents, as per account ordered to be paid by the House of Representatives.

W. Duggan SEC. 26. *Be it further enacted*, That so much of Section 10, Chapter —, passed July 24, 1866, as relates to the mileage and per diem of Wilson Duggan, Representative from Sevier County, be, and the same is hereby repealed.

Porters SEC. 27. *Be it further enacted*, That the Porter of the House of Representatives, and the Porter of the Senate be embraced in the appropriation bill, and be paid as the members and officers of the General Assembly, in gold or its equivalent.

Jos. Clark SEC. 28. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Joseph Clark, for the sum of three hundred and twenty-seven dollars, his per diem and mileage, as contestant for the seat now held by W. T. Robinson.

Clay Newland SEC. 29. *Be it further enacted*, That the Comptroller issue his warrant to Clay Newland, for seventy-five dollars, for work done in copying two hundred and fifty pages of the Acts of 1865 and 1866, and preparing the same for printing.

H. G. Flagg SEC. 30. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to H. G. Flagg, for the sum of three hundred and fifty dollars, for extra clerk hire; and also his warrant on the Treasurer to H. G. Flagg, P. C. of the Senate, for the sum of one hundred and fifty dollars, for extra services rendered during the recess.

T.H. Newburn SEC. 31. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Thos. H. Newburn, Senator from the 24th District, for the sum of

two hundred and eighty-four dollars—being his per diem and mileage up to Nov. 27, 1865, when he resigned.

SEC. 32. *Be it further enacted*, That the Principal Clerk of the Senate shall remain a sufficient time after the adjournment of the Senate, as a high Court of Impeachment, to file the papers in said impeachment case with the Secretary of State, copying the Journal of the same for publication, and close up his business, for which he shall be allowed his per diem and thirty cents per page for copying said Journal. P. C. of Senate

SEC. 33. *Be it further enacted*, That the Comptroller issue his warrant on the Treasury to Joshua B. Frierson, Speaker of the Senate, for full per diem and mileage to the late Senator Case, of Obion County, up to the 11th day of March, 1867, the same as provided for other Senators; and Mr. Speaker Frierson will cause said sum of money to be transmitted or paid over to the order, or on the receipt of the widow of the late Senator, for the use of herself and children. J. B. Frierson

SEC. 34. *Be it further enacted*, That the Comptroller audit the account of, and issue a warrant to, the Bank of Tennessee, for sixty dollars, a balance due said Bank from the State Library, in the beginning of the year 1861. Bank of Tenn

SEC. 35. *Be it further enacted*, That the Comptroller issue his warrant on the Treasurer to Z. W. Frazier, for the sum of eighty-eight dollars, his per diem for Extra Session of this Legislature. Z. W. Frazier

SEC. 36. *Be it further enacted*, That there shall be paid to Cave Johnson, Esq., or his Executor or Administrator, per diem, at the rate of four dollars, and mileage at the rate of four dollars for twenty-five miles, to and from the Capitol, for the period of twenty-one days. There shall, also, be paid to Col. A. E. Garrett, claiming a seat in the Senate from the 10th Senatorial District, a per diem and mileage for twenty-one days; and the Comptroller audit said accounts and issue warrants on the Treasury for the same; *provided*, the same has not already been paid. Cave Johnson

SEC. 37. *Be it further enacted*, That the Comptroller issue his warrant for one hundred and twenty dollars, due Jas. Mullins and William Spence, for services rendered in investigating Branch Bank at Shelbyville, as per Resolution No. 155, of the Acts of 1865 and 1866, and which was omitted in the Appropriation Bill for said Session. Mullins and Spence

SEC. 38. *Be it further enacted*, That the Comptroller issue his warrant on the Treasury, to R. E. Lasater R. E. Lasater

ter, for fourteen dollars and seventy-two cents, for 92 miles traveled as Senator, and not before allowed him, he having resigned Dec. 15, 1865.

P. Pearson

SEC. 39. *Be it further enacted*, That the Comptroller issue his warrant to Peter Pearson, Representative of Henderson County, for forty-eight dollars, mileage for the Extra Session of this General Assembly.

Suits

SEC. 40. *Be it further enacted*, That necessary expense incurred in defense of any suit against any County Court Clerk, or Revenue Collector, to compel the taking of Notes of the Bank of Tennessee in payment of *Revenue*, shall be allowed by the Comptroller, upon satisfactory proof of such suit, and the reasonableness of the same, and he shall issue a warrant for the same, and it shall be paid.

Report of Finance Com'e.

SEC. 41. Report of the Committee on Finance, showing the mileage and per diem allowance of the members of the Senate at the third Session of the thirty-fourth General Assembly, and the aggregate amount of each:

SENATORS' NAMES.	No. of Days.	Per Diem.	Miles Traveled	Mileage.	Total.
Aldridge, John ---	127	\$508 00	600	\$96 00	\$604 00
Bosson, William --	127	508 00	170	27 20	535 20
Cate, A. M.	127	508 00	342	54 70	562 70
Cypert, Thos. J. --	127	508 00	406	64 95	572 95
Carrigan, Jos. G. --	127	508 00	180	28 80	536 80
Frierson, J. B., Spk'r	127	762 00	106	16 96	779 96
Frazier, B.	127	508 00	546	87 37	595 37
Hall, W. K.	127	508 00	600	96 00	604 00
Johnson, J. D.	127	508 00	138	22 08	530 08
Keith, G. W.	127	508 00	620	99 20	607 20
Muse, Thomas	127	508 00	400	64 00	572 00
McKinney, C. J. ...	127	508 00	660	105 60	613 60
McElwee, Thos. B. --	127	508 00	412	65 02	573 02
McFarland, W. J. --	127	508 00	600	96 00	604 00
Nelson, P. P. C.	127	508 00	703	115 68	623 68
Powell, Jos.	127	508 00	672	107 52	615 52
Patterson, H. S.	127	508 00	120	19 20	527 20
Smith, J. W.	127	508 00	600	96 00	604 00
Senter, D. W. C. ...	127	508 00	596	95 36	603 36
Spence, William --	127	508 00	60	9 60	517 60
Trimble, John ----	127	508 00	----	-----	508 00
Thompson, J. P. ...	127	508 00	210	33 60	541 60
Robertson, W. T. --	127	508 00	120	19 20	527 20

SEC. 42.

REPRESENTATIVES' NAMES.	No. of Days.	Per Mem.	Mile travelled	Mileage.	Total.
Anderson, G. W.---	127	\$508 00	200	\$32 00	\$540 00
Anderson, John---	127	508 00	350	56 00	564 00
Able, Dan.-----	95	380 00	620	99 20	479 20
Brown, Harvey---	127	508 00	400	64 00	572 00
Baker, James.-----	127	508 00	418	66 88	574 88
Blackman, L. M.---	127	508 00	500	80 00	588 00
Brewer, David.-----	123	492 00	240	38 40	530 40
Biggs, Henry.-----	127	508 00	600	96 00	604 00
Brien, John S.-----	127	508 00	----	-----	508 00
Clingan, J. K.-----	127	508 00	360	57 60	565 60
Coward, R. H.-----	127	508 00	560	89 60	597 60
Cleveland, W. J.---	120	480 00	120	19 20	499 20
Clements, A. J.---	124	496 00	154	24 64	520 64
Colville, Sam. L.---	126	504 00	210	33 60	537 60
Coleman, W. W.---	95	380 00	620	99 20	479 20
Donaldson, J. H.---	127	508 00	496	79 36	587 36
Doughty, J. A.---	127	508 00	560	89 60	597 60
Dowdy, Rufus.-----	127	508 00	320	51 20	559 20
Duggan, Wilson.---	127	508 00	600	96 00	604 00
Elliott, W. Y.-----	127	508 00	60	9 60	517 60
Fuson, John.-----	127	508 00	120	19 20	527 20
Garner, W. A.-----	127	508 00	190	30 72	538 72
Gilmer, Jeremiah.---	127	508 00	114	18 24	526 24
Grove, G. H.-----	127	508 00	596	95 36	603 36
Grimmett, W. A.---	127	508 00	----	-----	508 00
Hudson, Joseph.---	127	508 00	50	8 00	516 00
Hale, James.-----	127	508 00	630	100 80	608 80
Heiskell, Wm., Sp'r	127	762 00	526	84 16	846 16
Inman, Charles.---	127	508 00	600	96 00	604 00
Jarvis, L. M.-----	127	508 00	700	112 00	620 00
Jones, Furney.-----	127	508 00	688	110 08	618 08
Jones, James.-----	127	508 00	672	107 52	615 52
Kercheval, T. A.---	127	508 00	180	28 80	536 80
Lellyett, John.-----	127	508 00	----	-----	508 00
Loughmiller, F. A.---	126	504 00	170	27 20	531 20
Lasater, R. E.-----	54	216 00	166	26 56	242 56
Mason, T. J.-----	127	508 00	472	75 52	583 52
Moore, J. F.-----	120	480 00	160	25 60	505 60
Maxwell Thomas.---	127	508 00	356	56 96	564 96
McNair, J. E.-----	127	508 00	400	64 00	572 00

REPRESENTATIVES' NAMES.	No. of Days.	Per Diem.	Miles trav'led	Mileage.	Total.
Melton, J. M.	127	508 00	600	96 00	604 00
Morris, Hiram.....	127	508 00	130	20 80	528 80
Mullins, James....	113	452 00	130	20 80	556 80
" " Sp'ker	14	84 00			
Mulloy, J. S.....	89	356 00	92	14 72	598 72
" " Sp'ker	38	228 00			
Moss, A. W.....	25	100 00	36	5 76	105 76
Murphey, H. P....	127	508 00	800	128 00	636 00
Norman, John.....	127	508 00	226	36 16	544 16
Nunn, D. A.....	127	508 00	600	96 00	604 00
Overstreet, G. W..	127	508 00	334	53 44	561 44
Parks, James.....	127	508 00	440	70 40	578 40
Patton, S. K. N....	127	508 00	744	119 04	627 04
Porter, Jno. J.....	127	508 00	360	57 60	565 60
Puckett, J. N.....	127	508 00	146	26 36	531 36
Pearson, P.....	127	508 00	450	72 00	580 00
Raulston, R. S....	127	508 00	252	40 32	548 32
Richards, F. S....	127	508 00	600	96 00	604 00
Rogers, Reuben....	127	508 00	606	96 96	604 96
Schmittou, R. S. V.	127	508 00	100	16 00	524 00
Shepherd, W. H....	127	508 00	640	102 40	610 40
Street, J. T.....	120	480 00	80	12 80	492 80
Simmerly, E.....	127	508 00	766	122 56	630 56
Sinclair, J. F.....	127	508 00	600	96 00	604 00
Shults, J. R.	127	508 00	640	102 40	610 40
Smith, W. J.....	127	508 00	620	99 20	607 20
Smith, F. A.....	127	508 00	500	80 00	588 00
Snodderly, A. A....	127	508 00	580	92 80	600 80
Stegall, John.....	127	508 00	260	41 60	549 60
Thornburgh, D. G.	127	508 00	572	91 52	599 52
Taylor, J. A.....	120	480 00	754	120 64	600 64
Tharpe, L. M.....	117	468 00	294	47 04	516 04
Thompson, G. W..	126	504 00	126	20 16	524 16
Underwood, C.	127	508 00	600	96 00	604 00
Waters, Wilson L.	127	508 00	94	14 40	522 40
Warren, S. L.....	127	508 00	300	48 00	556 00
Walker, J. P.....	127	508 00	370	59 20	567 20
Welsh, John.....	127	508 00	796	127 36	635 36
Wines, William....	127	508 00	274	43 86	551 84
Woodcock, W. M..	127	508 00	150	24 00	532 00
Woods, W. W.....	127	508 00	356	56 96	564 96
Wright, William ..	127	508 00	52	8 32	516 32

SEC. 43. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.



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PRIVATE ACTS.

CHAPTER I.

AN ACT to Incorporate the Memphis and Arkansas River Packet Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That David Able, N. S. Green, Robt. L. McGhee, G. M. Gill, A. F. Kelsey, John W. Smith, M. J. Morsman, W. J. Smith, S. B. Beaumont and their associates and successors, are hereby created a body corporate and politic, by the name of the "Memphis and Arkansas River Packet Company," and by that name shall be known, and for the period of twenty years have succession, sue and be sued, complain and defend in any Court of law or equity; and may make and use a common seal, and alter the same at pleasure; may purchase, receive, hold, transfer and convey such real and personal estate, choses in action and securities, negotiable, and otherwise, as may be expedient in and for the management of its business, as herein defined. ^{Powers.} May appoint such officers, agents, and servants, as said business shall require, and prescribe their duties and fix their compensation, and may make by-laws, not inconsistent with the laws of the State, or of the United States, for the management of its property and the regulation of its affairs.

SEC. 2. *Be it further enacted,* That this corporation shall have power to run a line of boats on the Mississippi River and its tributaries, and for that purpose may buy or build such steam or other boats, as may be necessary to carry on said business, and may sell such boats and other property as are no longer needed in said trade, and shall possess full power to carry passengers, and freight of every kind and description usually carried on steamboats, and to conduct all operations which may be necessary to carry on such business. ^{Steamboats.}

Capital stock

SEC. 3. *Be it further enacted*, That the capital stock of this corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each, and it may be increased to any sum not exceeding five hundred thousand dollars, whenever the stockholders may, by vote, so direct. The stock shall be deemed personal property, and shall be transferable in the books of the corporation in such manner as the by-laws may prescribe.

Books.

SEC. 4. *Be it further enacted*, That at such time and place as a majority of the corporators named in the first section shall, in writing, appoint, books shall be opened for subscription to said capital stock, and may be kept open until the stock shall have been subscribed. Payment of said capital stock shall be made in such sum, and at such times as the Board of Directors of said corporation may require; and said Board shall have power to provide for the forfeiture to the corporation of the stock of those who fail to make such payment, or to bring suit at their option for the recovery of such amount as may be due and owing by any stockholder, in any tribunal having jurisdiction of the amount so due and unpaid.

Directors.

SEC. 5. *Be it further enacted*, That the affairs of this company shall be managed by a Board of no less than five Directors, who shall be stockholders therein. The stockholders may, at any time, by vote, increase the number of Directors to seven. Any vacancy happening in the Board by death, resignation or otherwise, shall be filled for the remainder of the term, by the Board.

Election.

SEC. 6. *Be it further enacted*, That as soon as stock to the amount of one hundred thousand dollars shall have been subscribed, a time and place shall be designated in writing, by a majority of the corporators above named, for the election of five Directors, of which the stockholders shall be notified, and the persons then elected shall constitute the Directory until their successors are elected.

Annual Elections.

SEC. 7. *Be it further enacted*, That on the first Monday in March, of each year, between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon, at such place as the Board may designate, an election shall be held for Directors, to serve the ensuing year, and until their successors shall be duly elected. A written or printed notice shall be given to each stockholder, personally, or through the Post Office,

at least ten days before the election. If, from any cause, an election be not had on said day, it may be held on any day which may be appointed by the Board, or by any three stockholders, of which like notice shall be given.

SEC. 8. *Be it further enacted*, That all elections shall be by ballot, and the name and number of each stockholder shall be indorsed on the ballot. Every stockholder shall be entitled to one vote for each share of stock owned and held by him, and he may vote in Voting person or by proxy. Those persons receiving the highest number of votes shall be declared elected, and in event of a tie between two persons, both of whom cannot be Directors without making the number of the Board greater than that authorized, the remaining members of the Board shall, by resolution, declare who shall serve.

SEC. 9. *Be it further enacted*, That said corporation shall have, possess and enjoy, all the rights and privileges incident to corporations, and shall be subject to Rights. all such general laws as may now exist, or may hereafter be passed, regulating corporations of a similar character.

SEC. 10. *Be it further enacted*, That this act shall take effect and be in force from and after its passage:

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 17, 1866.

CHAPTER II.

AN ACT to Charter a Coopering Establishment at Johnsonville,
Humphreys County, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. O. Shackelford, J. G. Lucas, John T. Winfrey and Dr. Gold, their associates and successors be, and are hereby created and constituted a body corporate and politic, under the name

Rights.

and style of the "Johnsonville Coopering Company," with all the rights, powers and privileges of the Clarksville Coopering Company, chartered and incorporated by this General Assembly, their place of business being in Humphreys County, Tennessee; with power to lease, rent or purchase real estate at such other places as they deem proper or suitable for any branch of their business.

Johnsonville
Lumber and
Shingle Co.

SEC. 2. *Be it further enacted*, That the same persons named in section 1, their associates and successors, be also hereby created a body politic and corporate, under the name and style of the "Johnsonville Lumber and Shingle Company," with all the powers, rights and privileges conferred by this General Assembly on the Clarksville Lumber and Shingle Company.

Johnsonville
Brass and
Iron Foundry

SEC. 3. *Be it further enacted*, That J. O. Shackelford, J. G. Lucas, John G. Winfrey, Dr. Gold and their associates and successors, are also hereby constituted and created a body politic and corporate, by the name and style of the "Johnsonville Brass and Iron Foundry and Plow Factory," with all the rights, powers and privileges conferred on the two preceding companies in regard to the business of procuring material, land, machinery, founding, castings made in brass or iron foundries, and plow factories, and vending the same at their place of business in Humphreys County, or elsewhere. And said Company may increase their capital stock up to one hundred and fifty thousand dollars.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 17th, 1866.

CHAPTER III.

AN ACT to Incorporate the Philomathean Society of Murfreesboro, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. T. Eaton, William H. McFadden, S. H. Hodge, William Wendell, S. N. Law-

ing, A. P. Sims, H. H. Williams, J. H. Crichlow, J. E. Bolles, G. W. Baskette, W. E. Baskette, F. N. Crichlow, W. H. Blanche, J. W. McFadden, J. A. Leiper, their associates and successors, be, and they are hereby constituted a body politic and corporate, by the name of the "Philomathean Society of Murfreesboro, Tennessee," for the purpose of diffusing moral and intellectual improvements, and of cultivating a correct literary taste among its members, with full power and authority to adopt such a Constitution and by-laws as they may think proper for its government; *Provided*, The same do not conflict with the Constitution of the State of Tennessee, or with the Constitution of the United States.

Philomathean
Society of
Murfreesboro

SEC. 2. *Be it further enacted*, That the persons hereby incorporated may use a common seal, may sue and be sued, plead and be impleaded, in any of the Courts of law or equity in the State of Tennessee or elsewhere; make contracts, buy, hold and sell property, real and personal; and may exercise all the powers and privileges belonging to corporate bodies, for the purpose of diffusing useful knowledge.

Rights and
Powers.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 17, 1866.

CHAPTER IV.

AN ACT Incorporating the Memphis Mutual Insurance Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be established in the City of Memphis, a company for the purpose of doing a general insurance business, which company shall be called, and be known as the "Memphis Mutual Insurance Company."

SEC. 2. *Be it further enacted,* That Ira M. Hill, William M. Farrington, J. J. Rawlings, Thomas A. Nelson and Charles B. Church, or any three of whom, shall open books for subscription, at such place as may be selected by them, first giving ten days' notice by publication in one or more papers, published in the City of Memphis, to the capital stock, which shall be in shares of one hundred dollars each, of not less than one thousand, nor more than three thousand shares. It shall be the duty of the said Commissioners to collect from each subscriber ten dollars in lawful currency of the United States, per share of the subscription, at the time of subscribing his, her, or their name, as a stockholder. The Commissioners shall, after ten days, close the books of subscription, provided one thousand shares or more of the stock be taken, and give ten days' notice; after which an election shall be held under their supervision, for seven Directors, each of whom shall have, in his own name, not less than twenty-five shares of the stock of the Company, the said Directors to serve until the first Monday in January, 1867, or until their successors are elected and qualified.

Stock Books.

SEC. 3. *Be it further enacted,* That at the first meeting of the Directors elect, they shall elect one of their number President, after which they may elect a Secretary, and such other officers and clerks as they may deem necessary for the interest of the Company, in conducting its business. The Board of Directors may determine what portion of the net profits of the earnings of the Company shall be divided with the policy holders, after first reserving sufficient to re-insure all outstanding risks, but in no case shall dividends be declared and paid to either stockholders or policy holders, which shall or will impair the capital paid into the Company.

Election of Officers.

Profits.

SEC. 4. *Be it further enacted,* That the capital stock shall be secured by a payment of ten dollars per share, within thirty days after the organization of the Board of Directors, and notes, with good security, shall be given for the balance, having not longer than four months to maturity, with interest, unless the stockholders, or any of them, shall, in lieu, pay the amount of his, her, or their subscription, in lawful money of the United States. The Board of Directors may either renew the notes at maturity, or require payment to be made in installments of ten dollars per share, after giving thirty days' notice; and if any stockholder shall fail

Capital stock.

to pay his, her, or their proportion of calls, within thirty days after maturity, the President shall advertise the stock of such stockholder ten days, and sell the same to the highest bidder for cash.

SEC. 5. *Be it further enacted,* That each stockholder shall be liable, if necessary, to pay losses, or claims against the Company, for one hundred per cent. more than the amount of stock held by him, her, or them; and such lien shall attach for twelve months after any transfer of stock, unless the purchaser be both liable and solvent for the said one hundred per cent.; and for any dividends declared, which may impair the capital stock, the Directors shall be liable. Liability.

SEC. 6. *Be it further enacted,* That the Directors of said Company shall have power to enact such by-laws and regulations as may be deemed, by them, needful and proper for the management and disposition of its stock, estates, and effects: *Provided,* they shall not be in conflict with the constitution or laws of the State, or of the United States. By-Laws.

SEC. 7. *Be it further enacted,* That the said Company may invest its surplus funds in Bonds of the United States, of this, or any other State, bank stock, and personal securities, having not longer than six months to run to maturity, payable, either in Memphis or any of the commercial cities of this, or any other State, within the United States. U. S. Bonds.

SEC. 8. *Be it further enacted,* That the said Company may insure against loss by fire: houses, barns, manufactories, or any species of property, liable to destruction by fire—the lives of persons, live stock, steamboats, sea vessels, freights and cargoes; and further, to insure and do any manner of business, and exercise the privileges of any Insurance Company incorporated by the State, now solvent and doing business. What to insure.

SEC. 9. *Be it further enacted,* That the said Company shall pay to the State such taxes as all other corporations of a similar character in this State are required to pay, and that a majority of the Directors shall constitute a quorum for the transaction of business. Taxes.

SEC. 10. *Be it further enacted,* That the said Company shall continue for thirty years.

SEC. 11. *Be it further enacted,* That the Franklin Insurance Company, located at Memphis, Tennessee, are hereby authorized to change the name of said Company to that of "Franklin Insurance and Banking Company of Memphis." Franklin Insurance and Banking Co.

Privileges. SEC. 12. *Be it further enacted,* That said Company shall have the same powers and privileges as are conferred upon the Gayoso Savings Institute of Memphis, Tennessee, in their charter.

Manhattan Savings B'k. SEC. 13. *Be it further enacted,* That the name of the Memphis Savings Bank be changed to the "Manhattan Savings Bank of Memphis, Tennessee;" and that this act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 19, 1866.

CHAPTER V.

AN ACT to Amend An Act passed March 23, 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That An Act passed March 23, 1860, be, and the same is hereby so amended, as to allow the further time of ten years, from and after the passage of this Act, to the Southern Railroad Company, to commence and complete the said road, and that the said Company have all the rights and privileges contained in the said Act.

SEC. 2. *Be it further enacted,* That this Act take effect from its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 19th, 1866.

CHAPTER VI.

AN ACT to Incorporate the Columbia Saving Institute.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas W. Keese, Jesse S. Harris, Samuel F. Mayers, David Thomas and James Akin, and their associates, be, and they are hereby incorporated a body politic and corporate, by the name and style of the "Columbia Saving Institute," to be located at Columbia, Tennessee.

SEC. 2. *Be it further enacted*, That said Columbia Saving Institution, shall have and enjoy all the rights and privileges, and be subject to all the liabilities and restrictions, conferred and imposed upon the Nashville Saving Institution, by an Act of the General Assembly, passed January 28, 1850, except that only five Directors need be appointed, or elected by said corporation, ^{Rights and privileges.} and may, by the by-laws of said corporation, be reduced to three; and that the Committee of examination may be three, any two of whom may act, to be designated by the stockholders of said corporation.

SEC. 3. *Be it further enacted*, That all notices, ^{Notice.} required to be advertised under this charter, shall be made in a newspaper at Columbia.

SEC. 4. *Be it further enacted*, That said Columbia Saving Institution may buy and sell exchange, bonds, stocks, bank notes, gold, silver, coin; *Provided*, That nothing herein shall be so construed, as to confer upon ^{Power.} said Institution, the right to issue notes, or change tickets, or pass any other thing as a circulating medium, except gold and silver, United States Treasury Notes, or the notes of the National Banks of the United States; And, *provided further*, That the capital stock of said Institution, shall be taxed as other property of like description.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 20th, 1866.

Privileges. SEC. 12. *Be it further enacted,* That said Company shall have the same powers and privileges as are conferred upon the Gayoso Savings Institute of Memphis, Tennessee, in their charter.

Manhattan Savings B'k. SEC. 13. *Be it further enacted,* That the name of the Memphis Savings Bank be changed to the "Manhattan Savings Bank of Memphis, Tennessee;" and that this act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

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SEC. 2. *Be it further enacted,* That this Act take effect from its passage.

WM. HEISKELL,

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SEC. 2. *Be it further enacted*, That said Columbia Saving Institution, shall have and enjoy all the rights and privileges, and be subject to all the liabilities and restrictions, conferred and imposed upon the Nashville Saving Institution, by an Act of the General Assembly, passed January 28, 1850, except that only five Directors need be appointed, or elected by said corporation, Rights and
privileges. and may, by the by-laws of said corporation, be reduced to three; and that the Committee of examination may be three, any two of whom may act, to be designated by the stockholders of said corporation.

SEC. 3. *Be it further enacted*, That all notices, required to be advertised under this charter, shall be made in a newspaper at Columbia. Notice.

SEC. 4. *Be it further enacted*, That said Columbia Saving Institution may buy and sell exchange, bonds, stocks, bank notes, gold, silver, coin; *Provided*, That nothing herein shall be so construed, as to confer upon said Institution, the right to issue notes, or change tickets, or pass any other thing as a circulating medium, except gold and silver, United States Treasury Notes, or the notes of the National Banks of the United States; And, *provided further*, That the capital stock of said Institution, shall be taxed as other property of like description. Power.

SEC. 5. *Be it further enacted*, That this Act take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 20th, 1866.

CHAPTER VII.

AN ACT to Incorporate the Tennessee and Alabama Lead Company, and for other purposes.

Rights. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John V. Forwell, Walter S. Carter and DeWitt Davis, their associates, successors and assigns, are hereby constituted a body corporate, under the name of "The Tennessee and Alabama Lead Company," and under that name may sue and be sued, purchase, lease, or otherwise receive estate, real, personal or mixed, and sell, lease, mortgage, or otherwise dispose of the same; and generally have all the rights incident to corporators, except the right to engage in banking.

Business. SEC. 2. *Be it further enacted,* That the business of said Corporation shall be that of mining for lead, and any and all minerals in Tennessee or elsewhere; the smelting, assaying, refining and vending of the same.

Organisation SEC. 3. *Be it further enacted,* That the corporators named herein, or a majority of them, may organize said Corporation by electing Directors of the same, who shall have authority to choose such officers as may be necessary to determine the amount of the capital stock thereof, the par value of its shares, and the manner in which the same shall be subscribed, paid for and forfeited; make all needful rules, regulations and by-laws, and generally have all the rights, and perform all the duties of such officers; *Provided,* That all elections for Directors after said first election, shall be by the stockholders.

Taxes. SEC. 4. *Be it further enacted,* That they may buy and hold such real estate as may be necessary for mining purposes, and shall be subject to such taxes as are imposed on similar incorporations by the Legislature.

National Horse Insurance Co. SEC. 5. *Be it further enacted,* That D. R. Alexander, S. H. Southwick, D. B. Dewey, G. L. Chapman, J. W. Springer, and all other persons who may hereafter associate themselves with them in the manner herein prescribed, shall be, and are hereby constituted a body corporate and politic, by the name and style of the "National Horse Insurance Company," and by that name may sue and be sued, appear, prosecute and defend, in any Courts of Record, or other Courts or

place whatsoever; may acquire by purchase, deeds of conveyance, lease, or other lawful mode, and the same **Rights and Powers.** to hold, use and enjoy, any real or personal property, bonds, notes or obligations for money, which the Board of Directors may deem advisable for the success of the business of the Company, and the same, or any amount or part thereof, to sell, convey, lease, assign, transfer, or otherwise dispose of, and generally to do and perform for the good of said Company, whatever shall lawfully pertain to such corporate bodies; and may have and use a common seal, and alter, break and renew the same at the pleasure of the Directors. The above-named corporators, or their assigns, shall have power to organize said Company, and shall constitute the **Organization.** first Board of Directors, and shall hold their office until others are duly elected and qualified, and may appoint such officers and agents as they may deem necessary. A majority of said Board shall constitute a quorum for the transaction of business.

SEC. 6. The capital stock of said Company shall consist of not less than \$150,000, nor more than \$200,000 at the organization thereof, but by order of the Board of Directors may be increased to the amount of \$500,000. Said stock shall be divided into shares of \$100 each, on which not less than ten per cent. shall be paid up in cash at time of organization, the remainder to be secured in such manner and at such times as the corporators or Board of Directors may determine. **Capital Stock**

SEC. 7. The affairs of said Company shall be managed by a Board of Directors, to consist of not less than five, nor more than twenty stockholders, as may be regulated by the by-laws made to govern said Company; and said Directors shall be chosen by ballot, **Directors.** from among the corporators or stockholders, and the majority of the Board shall constitute a quorum, for the transaction of business, until the Board consists of more than five Directors, after which, the President and three Directors shall constitute a quorum.

SEC. 8. An annual election for Directors shall be held at the office of the Company at such time as the Board may appoint, and said Directors shall hold their offices for one year, or until their successors are duly elected and qualified. Vacancies occurring in the Board may be filled at any meeting of the Directors. **Ann'l Elec'on.**

SEC. 9. In all elections of Officers or Directors by stockholders, each share to the number of five (5.)

Voting.

shall be entitled to a vote; and every ten (10) shares in addition shall entitle the holder to an additional vote; but no person shall be entitled to a vote who is not a corporator or *bona fide* stockholder; and shares may be voted upon by the executor or administrator of the deceased owner, or by proxy.

Officers, &c.

SEC. 10. The Board of Directors shall elect a President, Vice President, Secretary, Treasurer and General Agent, who shall hold their offices for one year, or until others are chosen; shall have power to appoint such subordinate officers and agents, and at such places as they shall deem proper for the transaction of the business of said Company, and to allow such compensations as may from time to time, be agreed upon, and be required to take bond and security for the faithful discharge of their respective duties and trusts; and said Board of Directors shall have power to make such by-laws, rules and regulations for the government of the Corporation, its agents, business and affairs of the Board as they may deem necessary, and may repeal and amend the same at pleasure.

May borrow money.

SEC. 11. The Board of Directors of said Corporation shall have power at any time to borrow money to an amount not exceeding the capital stock actually taken, with a rate of interest not to exceed ten per cent. per annum; to issue stock or bonds for the payment of the same; or any part of assets of said Company may be pledged or mortgaged for the payment of such indebtedness, whether it be interest or principal; they also shall have power to loan or invest the funds of the Company in such way and manner as they may determine the interest of the Company demand; and *provided*, that not more than six per cent. shall be charged as interest on said loan.

Stock.

SEC. 12. The Board of Directors shall have power, after the organization of the Company, and before opening the books for general subscription to stock, to dispose of such proportion of the capital stock, and on such terms as they may deem advisable, and governed by such rules as they may adopt. This Company shall not be required to deposit any of its funds, and shall be exempt from the payment of fees required of Foreign Insurance Companies.

Books.

SEC. 13. At any time afterwards, when the Board of Directors may deem it expedient, books may be opened to receive subscriptions to the balance of the stock not disposed of; and at the time of such subscriptions, or

before the same shall be binding on the Company, the corporators shall demand and receive not less than five dollars on each share subscribed, and the residue so subscribed, secured to the satisfaction of the Corporation in obligations payable on demand, or in such part or parts, as the Board of Directors may hereafter determine; *Provided, always*, that stockholders receive at least thirty days' notice of such demand, and that no further demand be made unless it be necessary to pay the losses and expenses of the Company. Stockholders may sell or transfer their interest or stock with the consent of the majority of the Board of Directors, but no such transfer shall be considered valid or complete so long as the person transferring such interest or stock is indebted to the Company, until the amount for which he or she is indebted, is secured to the satisfaction of the Board of Directors. If any of the Corporators named in this Act shall fail to subscribe stock, they shall cease to be Corporators.

Transfer of
Stock.

SEC. 14. The said Company may insure against loss by death and theft, and damage by accident on sea, water or land, live stock, consisting of horses, mules, cattle, sheep, hogs; also, such other property against loss by theft, as may be deemed advisable by the Board of Directors, and charge and receive such premiums or interest therefor, as may be agreed upon by the officers and parties insured.

Privileges.

SEC. 15. Every contract, agreement or policy issued or made by said Corporation, shall be in writing or print, and shall be signed by the President and Secretary, or by a deputy, who may be appointed by them for that purpose. Applications for insurance shall state all the facts and circumstances in any way effecting the risk; and statements made therein, shall be binding, or a warrantee on the part of the insured.

Contracts.

SEC. 16. This Company may re-insure any risk or part of risk on which they have made insurance.

SEC. 17. That whenever said Company shall be notified of any loss or damage sustained on any policy of insurance issued by the authority of the same, and on which they are lawfully bound or liable, it shall be the duty of said Company to adjust and pay the loss sustained on such policy within ninety days after being notified, and sufficient proof furnished by the insured; *Provided, always*, that there has been no violation on the part of the insured of any of the conditions of the policy; and the Company may affix such conditions to

Losses.

their contracts of insurance as the Board of Directors may deem proper protection.

Sale:

SEC. 18. That in all cases when property insured by said Company shall become alienated by sale or otherwise, the policies covering such shall be void, and said Company shall not be liable for any loss or damage incurred on said property after such alienation, unless the policies issued thereon are duly assigned by the consent of the parties, and Secretary of said Company.

Agencies, &c.

SEC. 19. That power is granted said Corporation to establish such agencies, and appoint such detectives as may be necessary for the recovery of any property insured by the same, which may be at any time stolen; and to have and use a common brand for the purpose of marking and identifying stock insured by said Corporation.

SEC. 20. *Be it further enacted*, That this Act shall not be so construed as to confer Banking privileges.

SEC. 21. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 22d, 1866.

CHAPTER VIII.

AN ACT to Amend the Charter of the City of Memphis, and for other purposes.

Powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, First*, That the inhabitants of the City of Memphis, are hereby constituted a corporation, and a body politic, by the name and style of "The City of Memphis," and by that name shall have perpetual succession; may sue and be sued, in all courts of law and equity; may purchase, receive and hold property, real, personal and mixed, within the City; and may sell, lease, or dispose of the same, for

the benefit of the City; and may purchase, receive and hold property, real, personal or mixed, beyond the limits of the City, to be used for the burial of the dead, for the erection of water-works to supply the City with water, for the obtaining of sand, gravel and other material to improve the streets, alleys or avenues of the City, and for other purposes; also for the establishment of work-houses, poor-houses, houses of correction, ^{Powers.} magazines for the storage of gunpowder, for the establishment of hospitals and infirmaries; and may sell, lease or dispose of the same for the benefit of the City. And the City of Memphis is hereby declared to be capable of taking and holding property, real, personal and mixed, both within and without the City limits, given or to be given, to be applied to charitable purposes, and of executing all such charity trusts in like manner as natural persons.

2nd, And the City of Memphis is hereby declared to be capable of purchasing, receiving and holding property, both within and without the limits of the City, for the purposes of public squares and parks, and may make such improvements thereon, from time to time, as may be deemed necessary by the Board of ^{Real Estate.} Mayor and Aldermen; and all the rights, title and interest in and to, all the real estate within the limits of said City, which may hereafter be dedicated, donated or granted to any public use, shall vest in the corporation of the City of Memphis, for said use.

SEC. 2. *Be it further enacted, First,* That the Board of Aldermen shall consist of two members for each ward, to be chosen by the qualified registered voters of the several wards, and shall hold their offices for two years; except that the present incumbents, now acting as Aldermen, being those persons who received the greatest number of votes, at the election held October 13, 1866, are hereby declared to be, and are hereby appointed the Aldermen from their respective wards; and ^{Aldermen.} one-half the number, or one from each ward, shall hold his office until the first Thursday in January, 1868, and the other half until the first Thursday in January, 1869; their respective terms of office to be determined by lot, at the first meeting of the Board after the passage hereof; and ever after, there shall be an election of one Alderman from each ward, to hold his office for two years, and until his successor is elected and qualified.

2nd, No Alderman shall, during the term for

which he was elected, be appointed to any office under the City.

Mayor.

3rd, The Chief Executive Officer of the City shall be a Mayor, who shall be elected by the qualified registered voters of the City, and shall hold his office for the term of two years, and until his successor is duly elected and qualified; *Except*, That the present incumbent shall hold his office until the first Thursday in January, 1868, and until his successor is elected and qualified.

Officers, and Agents, etc.

4th, There shall be a Comptroller, Treasurer, Register, City Attorney, Engineer, Inspector, and such other officers and agents, as may be provided by ordinance, and perform such duties as may be provided by ordinance, who shall be nominated, and by and with the consent of the Board of Aldermen, appointed by the Mayor, and shall hold their offices for two years, unless sooner removed, and until their successors are appointed and qualified.

Same.

5th, There shall be one or more City Tax Collectors, one or more Street Commissioners; the number of these officers to be determined by the Board of Mayor and Aldermen; a Tax Collector of Privileges, and a Wharf Master; all of whom shall be elected to serve two years, at the same time, and in the same manner as the Mayor and Aldermen; *Except*, That the officers who received the greatest number of votes, of the qualified voters, at the election on the 13th of October, 1866, are hereby appointed to their respective offices, and shall be retained therein, until the first Thursday in January, 1868.

May borrow money.

SEC. 3. *Be it further enacted*, That in addition to the powers heretofore granted, the Board of Mayor and Aldermen shall have the power to borrow money on the credit of the City, for the purpose of paying any judgments against the City; *Provided*, That every ordinance for borrowing money, shall specify the amount to be borrowed, the nature of the judgment, and shall have been passed by two-thirds of the Aldermen elected.

May issue Bonds.

2nd, They shall also have power, for the purpose of making any public improvements that may be deemed necessary for the City, or of acquiring any property for the public use of the City, to issue the bonds of the City, bearing interest not to exceed 8 per centum, per annum, and having not more than thirty years to run; but this authority shall not be exercised, unless the ordinance authorizing the same, shall first

be submitted to a vote of the qualified voters of the city, at an election to be held for that purpose; and after giving ten days' notice of the time and place of election, in all the daily newspapers published in the city; and if a majority of those voting shall decide against the proposition, the bonds shall not be issued. Election.

3d. They shall also have power to provide by ordinance, for the issue of Treasury Warrants, to an amount not to exceed one-half of the revenue of the preceding year, and not to exceed five hundred thousand dollars, in any one year, for the purpose of paying ledger balances, outstanding City Warrants, and to pay the current expenses of the city; said Warrants to be in such form as may be determined on, by the Mayor and Finance Committee of the Board of Aldermen; said Warrants shall be of such denomination, as the said Finance Committee may determine, and shall be receivable for all taxes, licenses, fines and forfeitures in the police courts, and all debts due the city. Treas'y War'ts

4th. The said Warrants shall be signed by the Mayor and Comptroller, and shall be issued by them to the City Treasurer, in such sums as may be ordered by the Board of Aldermen. The Treasurer is alone authorized to pay them out, and only on the order of the Mayor, countersigned by the Comptroller. Same.

5th. The Mayor and Comptroller shall issue said Warrants to the Treasurer, in such sums as may be ordered by the Board of Aldermen, taking the Treasurer's receipt therefor; and the Treasurer shall pay out only such Warrants, as are thus received from the Mayor and Comptroller; and all such Warrants, paid into the City Treasury, by any other City officer, or otherwise, shall be retained by the Treasurer, until called for by the Comptroller. Same.

6th. The Treasurer shall make and publish a weekly statement, in the official journal of the city, showing the amount of Warrants received from the Mayor and Comptroller, the amount paid out on the order of the Mayor and Comptroller, and of the amount received and on hand, from all other sources. Treasurer.

7th. The Comptroller shall receive from the Treasurer, and the Treasurer shall pay over to the Comptroller, every week, taking the Comptroller's receipt therefor, all such Warrants as may have been received by him, from any of the collecting agents or officers of the City, and from all other sources, except the Warrants received from the Mayor and Comptroller. Comptroller.

Comptroller. 8th. The Comptroller shall also publish a weekly statement, concurrent with that of the Treasurer, showing the amount of Warrants issued to the Treasurer, the number and amount of orders issued by the Mayor upon the Treasurer, and the amount of Warrants received from the Treasurer.

9th. These reports shall be sworn to by the Treasurer and Comptroller respectively.

Quarterly Reports. 10th. There shall also be quarterly reports, as above, made by the Treasurer and Comptroller, which shall be examined by the Finance Committee of the Board of Aldermen, and three citizens, tax-payers, to be appointed for that purpose, by the Chancellor or Judge of the Common Law, or Chancery Courts of the city of Memphis. These reports shall, in like manner, be sworn to, and published in the official journal of the city.

Appropriat'n 11th. From and after the passage of this Act, the Board of Mayor and Aldermen shall not, after the passage of a general appropriation bill, pass any ordinance appropriating money, unless the amount thereby appropriated, be actually in the treasury of the city, and not required to meet existing appropriations; and no sum of money, appropriated by ordinance, to any particular fund or object, shall, except in pursuance of change in the appropriation thereof, by ordinance, be diverted from such fund or object, or used for any other purpose.

Bankers. 12th. The Banks, Savings Institutions, Associations and Bankers of the State, may, if they think proper, receive and pay out all such City Warrants, without being subject to the penalties of any law of the State, in regard to the circulation of notes under five dollars.

Felony. 13th. It is hereby declared to be a felony, for the Treasurer, Comptroller, or Mayor, to violate any of these provisions in regard to the issuance of Treasury Warrants; and the making a false report, shall be deemed to be a felony likewise. And for every violation hereof, the offender, on conviction, shall be punished by imprisonment in the State Penitentiary, for a term, not less than five nor more than ten years.

Subscription. 14th. The Board of Mayor and Aldermen shall have power, by ordinance, to subscribe, in behalf of the city, any amount of stock they may think proper, to any railroad, within or without the State of Tennessee, which, in their opinion, will contribute to the

material wealth of the city, and may issue Bonds to pay for such subscriptions, for such length of time, and upon such terms and conditions, as they may deem Bonds proper, and take all necessary steps to protect the interests of the city, in any Railroad, to which she has, or may subscribe stock; *Provided*, That no such ordinance shall be in force, until the same shall have been submitted to the qualified voters of the city, for their approval, to be taken at an election held for that purpose, after ten days' notice, by proclamation of the Mayor, published in all the daily newspapers of the city.

15th. The Board of Mayor and Aldermen shall have and exercise complete and perfect control over Control. all of the streets, squares and other property of the city, whether lying within or without the limits of the city.

SEC. 4. *Be it further enacted, First*, That the Board of Mayor and Aldermen shall have power to require that the cost of grading, paving, re-paving and repairing Improvement sidewalks, curbings and gutters alongside, included, and of Streets. of paving the entire carriage-way, gutter included, of any street, or any portion of any street or alley, shall be borne by the owners of the adjoining property, and in such manner, and with such material as the Board of Aldermen may determine; and whenever the Board of Aldermen shall deem it necessary, and owners of the major parts of the lots, fronting on any street or portion of any street, may petition for grading and paving the same, they shall cause such grading and paving to be done in such manner as they may prescribe by ordinance; and the cost of such grading, paving, re-paving or repairing, shall be borne by the owners of the adjoining property, and shall be apportioned and charged on the adjoining lots, in proportion to their front, and shall be paid by the owners of such lots respectively.

2d. All such work shall be done under the control of the City Engineer, by direction of the Board of Aldermen, and shall be let out by the Board, to the lowest and best responsible bidder, under such guards, restrictions and regulations, as they may prescribe by ordinance. City Engine'

3d. So soon as any contract for grading, paving or repairing any street or alley, or portion thereof, shall have been made, the Board of Aldermen shall proceed Tax for Im- to levy and assess upon each lot, bounding or abutting Provements. the said street or alley, proposed to be improved, such

Same. a proportionable sum, as shall make up the entire cost and expenses of said improvements opposite the same, to the centre of the street; and shall fix the time within which the same shall be paid; the number of instalments, and the amount to be paid at each of such instalments; and thereupon the City Engineer shall make out and deliver to the City Attorney, for collection, the accounts for such apportioned cost of the improvement; and the owners of the lots charged therewith, shall be bound to pay said cost, like liabilities contracted by themselves, and may be sued therefor; but the lots shall also be held for the respective apportioned share of such cost, until the same, with interest, and costs of collection, be fully paid off; and a special lien on such lots is hereby given for such apportioned charge and costs; *Provided, however,* That on all streets where street railroads are operated, the said railroad company shall be required to grade and pave as required by ordinance, so much of said street as is between the rails, and ten feet outside thereof; and on refusal or failure to do said work, in the time and mode required by ordinance, the City Engineer shall proceed to have the same done, and the cost thereof shall be collected as is provided in cases of private individuals, and shall be a lien on the property of said railroads.

Lien.

Street Railroads.

Jury of Freeholders. 4th. When the jury of freeholders shall proceed to ascertain the amount of compensation, to be paid for the opening, widening or altering of any alley, street or other avenue, it shall be their first duty to ascertain the actual value of the land proposed to be taken, without reference to the proposed improvement, or its effect upon adjoining lands; they shall then proceed to assess against the city, the amount of benefit to the public generally, and the balance against the owner or owners of property, benefitted by the opening of such alley, street or avenue, according to the value of the property assessed, and in the proportion that such property may be respectively benefitted by the proposed improvements; and the sum or sums to be paid by the owner of property specially benefitted by such improvements, as ascertained by the Jury, shall be a lien upon the property so charged, and shall be collected as other assessments for improving streets.

Annual Election. SEC. 5. *Be it further enacted,* 1st, That a general election for all the officers of the city required to be elected, shall be held on the first Thursday in January of each year.

2d. At least sixty days before the general election in January, 1868, the Mayor shall appoint, by and with the consent of the Board of Aldermen, a suitable person as Register for each ward in the City, who shall receive such *per diem* compensation as the Board of Aldermen may allow. He shall have an office in some suitable place in said ward, and shall open books for the registration of all persons allowed by existing laws to vote in any municipal election, and who resides in said ward. And every voter in each ward, shall, before offering to vote, cause himself to be registered in said books, and shall receive from the Register a certificate of registration, which shall be numbered to correspond with the name and number on the books of the Register; and no person shall be suffered to vote at any municipal election who shall not have and produce to the Judges of Election his certificate as aforesaid; and no voter shall be allowed to vote in any other ward than in the one where he resides, and is registered.

3d. These books shall be kept open until thirty days before the election, when they shall be delivered to the City Comptroller for safe keeping, who shall not allow them to be altered or amended or removed from his possession except as hereinafter provided. On the day of election, the City Comptroller shall deliver to the Judges of Election in the different wards, the proper books of such ward, and after the polls are closed, these books shall be returned by the Judges to the Comptroller, to be kept by him for future use and reference.

4th. The Judges of Election shall not allow any one to vote who shall not have been duly registered, and who shall not produce a certificate thereof, which shall correspond with the entry in the Register's books. The Judges of Election and the Register shall each take an oath before entering on the discharge of their respective duties, to comply with the provisions of this law, as applicable to each; and any violation thereof, shall be considered a felony, and subject the offender, on conviction, to a fine not less than five hundred dollars, or more than one thousand dollars, and imprisonment in the county jail not exceeding twelve months, or either, or both.

SEC. 6. *Be it further enacted*, 1st. That whenever any real estate shall be offered for sale for delinquents' taxes, the officer selling the same, shall require the purchaser to make immediate payment; and in case of his

failing or refusing to do so, shall offer the same again; and in case no one shall bid the amount due thereon, the property thus offered shall be knocked off to the city, which shall be considered the purchaser; but neither the officer thus selling, nor the tax collector, shall be entitled to any commissions on the amount of sales of property thus knocked off to the City.

Sales of property. 2d. The officer thus selling any real estate, shall, without delay, after such sales, deliver to the City Attorney, the certificate of purchase for each lot, knocked off to the city, as is now required to be given other purchasers, and shall take his receipt therefor, which shall be filed with the Comptroller. And the City shall have all such rights and benefits of existing laws as belong to the purchaser at a tax sale; and the Board of Aldermen shall direct the necessary legal steps to be taken to obtain the possession of such property as is knocked off to the city, and not redeemed by the owners thereof, as now required by law.

Recorder's fees.

3d. Hereafter no fees shall be allowed the Recorder or Commissioner of Police for issuing Distress Warrants.

Fiscal year.

SEC. 7. *Be it further enacted*, 1st, That hereafter the fiscal year shall begin on the first Monday after the first Thursday in January of each year; and the present, or fortieth corporate year, shall extend to the first Monday after the first Thursday in January, 1867; and the Board of Mayor and Aldermen shall have power to assess a special tax of one-and-a-half per centum on all property liable to taxation, for the ordinary expenses of the fortieth corporate year; and a like increase of taxation for other purposes set forth in the Charter.

City of Chattanooga incorporated.

SEC. 8. *Be it further enacted*, That the inhabitants of the City of Chattanooga are hereby constituted a corporation and body politic, by the name and style of "The Mayor and Aldermen of the City of Chattanooga," and by the same name shall have for ninety-nine years, succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and in all actions whatever; may purchase, receive and hold property, real and personal, within said city, and may sell, lease and dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of a hospital, poor-house, work house, or house of correction, and may sell, lease

Powers.

or dispose of said property for the benefit of the city, and do all other acts touching the same as natural persons; and shall have and use a common seal, and change it at pleasure.

SEC. 9. *Be it further enacted*, That the boundaries of the City of Chattanooga shall be as follows: Beginning at a stone at the North-east corner of the North-west quarter of section twenty-eight (28,) near the Grave Yard, running thence South seventy (70) degrees, East to the North-east corner of said twenty-eighth section, thence South twenty (20) degrees West, with the section lines to the line dividing townships two (2) and three (3,) in the fourth (4) range, West, Ocoee District, thence North seventy (70) degrees West, with said township line to the centre of the Tennessee River, thence up the centre thereof to a point opposite the said stone, thence South twenty (20) degrees West, to the place of beginning; and the territory included in such limits shall constitute the City of Chattanooga, and the Civil District with it, and be subject to all the rules and regulations made for the government thereof.

SEC. 10. *Be it further enacted*, That there shall be a City Council, to consist of a Mayor and Aldermen. The Board of Aldermen shall consist of two members from each ward, chosen by the qualified voters of the whole city. No person shall be an Alderman unless he be a citizen of the State of Tennessee, and a *bona fide* resident of the ward for which he may be elected, and a freeholder of the City of Chattanooga. Each Alderman shall, before entering on the duties of his office, take an oath that he will faithfully discharge the duties of his said office. All vacancies in the Board of Aldermen shall be filled by the votes of a majority of the remaining members.

SEC. 11. *Be it further enacted*, That the Mayor shall be elected by the qualified voters of the city, and shall hold his office two (2) years, and until his successor shall be elected and qualified. No person shall be elected Mayor who is not at the time of his election a citizen of the State of Tennessee and a *bona fide* resident and freeholder of said city, and shall take an oath, before entering on his duties, faithfully to discharge the duties thereof. Where two or more persons shall have an equal number of votes for the office of Mayor the election shall be referred back by the existing Mayor to the voters of the city, and said election

Same.

shall be held as before within the next succeeding ten (10) days. When a vacancy occurs in the office of Mayor by death, resignation, removal or otherwise, such vacancy shall be filled by a majority of the votes of the Council elected and qualified at the time such vacancy happens, and the Mayor so appointed shall hold his office until his successor shall be elected and qualified according to law, and the successor of such appointed Mayor shall be elected at the next annual city election. It shall be the duty of the Mayor to preside at all the meetings of the Council, to take care that all the ordinances of the city are duly enforced, respected and observed within the city, to appoint the places for holding the elections provided for in this Act, which said appointment shall be made by proclamation not less than ten days previous to the time of holding such election.

City Attor'y.

SEC. 12. *Be it further enacted*, That the City Council shall have power to appoint a City Attorney and fix the amount of his compensation. He shall hold his office for two (2) years. It shall be the duty of said City Attorney to give his advice to all city officers, to prosecute or defend for the city in all suits at law or in equity where said city is a party, and to attend the meetings of the Council when called upon to do so.

Term of Office

SEC. 13. *Be it further enacted*, That the members of Council chosen at the first election held under this Act, shall hold their offices: One from each ward for two years, and one from each ward for one year, and until their successors are elected and qualified. The respective terms of the members to be determined by lot at the first regular meeting of the Board of Mayor and Aldermen after the election; and at all subsequent elections one Alderman shall be elected from each ward, who shall hold their offices for two years, and until their successors are elected and qualified. In case of a tie in the election of any Alderman, the election shall be re-held as hereinbefore provided in like cases for the election of Mayor.

Election.

SEC. 14. *Be it further enacted*, That an election for Mayor and Aldermen, as hereinbefore provided, shall be held at the place designated by the existing Mayor, on the last Thursday in December. The voters shall vote by ballot and only at the place designated. Two Judges of Election shall be appointed by the Mayor, which two shall choose a third. Said Judges shall take an oath faithfully and impartially to discharge their

duties. They shall open the polls at nine (9) o'clock in the forenoon and close them at six (6) o'clock in the afternoon, when they shall forthwith proceed to ascertain and certify to the existing Mayor the result of said election. *Provided*, If the Mayor shall fail or neglect to issue his proclamation and hold the election as required by this Act, then the qualified electors, in any number not less than twelve, may assemble at the office of any Justice of the Peace within the city, select Judges of Election, who, after having qualified, shall proceed to hold the election within the hours herein prescribed, the result of which shall be certified to the existing Mayor, and shall be a valid election. All persons entitled to vote for members of the General Assembly shall be qualified to vote or act as Judges at any election herein provided for. The Mayor and Aldermen elect shall meet on the first Monday in each year, be qualified and enter upon the discharge of their duties. Two-thirds of the whole number of Aldermen shall be a quorum for the transaction of business.

Provide.

Voters.

SEC. 15. *Be it further enacted*, That the Mayor and Aldermen shall have power, by ordinance, within the City:

1st. To levy and collect taxes upon all property taxable by law for State purposes.

Powers of the Mayor and Aldermen.

2d. To levy and collect taxes on all privileges and polls, taxable by the laws of the State.

3d. To appropriate money and provide for the payment of the lawful debts and expenses of the city.

4th. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for the purpose, and enforce the same within the corporate limits of the city.

5th. To establish hospitals and make regulations for the government thereof.

6th. To establish a system of free and other schools, and regulate the same.

7th. To make regulations to secure the general health of the inhabitants and to prevent and remove nuisances.

8th. To provide the city with water by water works or otherwise, within or beyond the boundaries of the city.

9th. To open, alter or abolish, widen or extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, allies and sidewalks.

Same.

10th. To erect, establish and keep in repair bridges, culverts, sewers and gutters.

11th. To provide for lighting the streets.

12th. To establish, support and regulate night watch and patrol.

13th. To erect market houses, establish markets and regulate the same.

14th. To provide for the erection of all buildings necessary for the use of the city.

14th. To provide for enclosing, improving and regulating all public grounds belonging to the city.

16th. To erect and repair public wharves, and regulate all wharves, docks and buildings, and to fix the rate of wharfage thereat, and to regulate ferries.

17th. To restrain and prohibit gaming.

18th. To license, tax, and regulate auctioneers, coffee houses, retailers of liquors, peddlers, ten pin alleys, hackney carriages, carts, omnibuses, wagons and drays, and to fix the rates to be charged for the carriage of persons and of property within the city, and to the public works without the limits of the city.

19th. To tax and regulate theatricals and other exhibitions, shows and amusements: to suppress all disorderly houses and bawdy houses.

Same.

20th. To provide for the prevention and extinguishment of fires, to organize and establish fire companies, to establish fire limits within which they may prohibit the erection of wooden buildings, to regulate and prevent carrying on manufactures dangerous in causing or producing fire, to regulate the storage of gunpowder, saltpetre, gun-cotton, and all other combustible materials, and the use of lights, candles, and stove-pipes, in all stables, shops and other places.

21st. To establish standard weights and measures and regulate the weights and measures to be used in the city in all cases not otherwise provided for by law.

22d. To provide and establish necessary inspections for the city.

23d. To regulate the police of the city, enforce fines, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation; to provide for the arrest and confinement of all rioters and disorderly persons within the city, to prevent and punish by pecuniary penalties of breaches of the peace, noise, disturbance, Sabbath-breaking or disorderly assemblages in any street, house or place in the city.

24th. To remove all obstructions from the side-walks, to provide for the construction and repair of all side-walks or cleaning the same, at the expense of the owners of the ground fronting thereto. Same.

25th. To pass all ordinances not contrary to the Constitution and Laws of the State, that may be necessary to carry out the full intent and meaning of this Act: all such ordinances to be published in the City paper not less than ten days before going into effect.

SEC. 16. *Be it further enacted*, That the Mayor of the City of Chattanooga shall be, and he is hereby invested with concurrent jurisdiction with Justices of the Peace, Jurisdiction. in all cases of violation of the criminal laws of the State, or of the ordinances of Mayor and Aldermen of the City of Chattanooga, within the limits of said city.

SEC. 17. *Be it further enacted*, That there shall be elected at each annual city election, by the qualified voters of the city, one City Treasurer, one City Assessor, and one City Marshal, who shall hold their respective offices for one year, and until their successors are elected and qualified. In case of tie in the election of either of the officers enumerated in this section, their election to be re-held as hereinbefore provided for in the election of Mayor. City officers elected.

SEC. 18. *Be it further enacted*, That the City Council shall appoint, at their first regular meeting in each year, one City Engineer and one City Clerk. The duties of said officers, and the compensation to each of them shall be the same as now fixed by law or ordinance, and Same. be subject to such changes or alterations as said Council may see fit from time to time, to enact.

SEC. 19. *Be it further enacted*, That before entering upon their duties, the City Assessor, City Treasurer and City Marshal, shall each take and subscribe an oath faithfully, honestly and impartially to discharge the duties of said offices, and shall each give bond with good and sufficient sureties, approved by the Council, and payable to said City Council, and their successors in office, conditioned upon the faithful, honest and lawful discharge of their respective offices; and when said bonds have been accepted by the Council, they, together with the oaths herein prescribed, shall be filed by the City Clerk. The bond of the Assessor shall be for one thousand dollars; the bond of the Treasurer shall be for the sum of twenty thousand dollars; the bond of the Marshal shall be for one thousand dollars. Officer's oath.

The City Attorney, if called upon to do so by the officers elect, or by the Council, shall draw the bonds and oaths prescribed in this section.

Assessor.

SEC. 20. *Be it further enacted*, That it shall be the duty of the City Assessor to make a just and accurate assessment of all property, real and personal, subject to city tax, and return the same to the City Treasurer by the 15th day of April next following his election and qualification. His return shall be made in a book suitable for the purpose. His return of real estate shall show, when consisting of town lots:

1st. The names of the owners.

2d. The street upon which lots are located.

3d. The number of lots.

4th. The valuation of lots at last assessment.

5th. The value of improvements upon lots since last assessment.

6th. The value of lots when assessed.

His return of real estate other than town lots, shall give the name of the owner, the town or district, section and range in which the same is located, and in addition, the same information as to valuation and improvements required in the assessments of town lots. He shall, at the same time, return to the City Treasurer a list of all persons subject to poll license or other special tax within the city.

Treasurer.

SEC. 21. *Be it further enacted*, That it shall be the duty of the City Treasurer to receive and safely keep all taxes or other moneys due the city, and receipt for the same; to keep a strict account of the same, and to pay out any money in his hands upon the direction of the Council. He shall make, and have completed by the 15th of June following the return of the Assessor, a duplicate copy of said return, which shall give the same information as said return, and, in addition, the amount of tax due the city on each separate piece of real estate within the city, and also the amount due from each person subject to license or other special tax. He shall then commence the collection of the taxes due the city, and shall keep his office open for the receipt of taxes, until the first day of the following September, when he shall forthwith proceed to make out a list of those who may be delinquent. Said list, if the tax be upon real estate, shall show the ownership, and give all other information contained in the tax book, as to valuation and amount of tax. After said list shall be certified by the Treasurer to be correct, he shall furnish

Collection of Taxes.

the same to the City Marshal, who shall proceed to collect said delinquent taxes by condemnation and sale. ^{Same.} His proceedings thereon to be in the name of the Board of Mayor and Aldermen of the city of Chattanooga, and to be governed by the same laws as govern county officers in like cases. The City Treasurer shall make a report of the condition of the treasury, which shall be addressed to the Board of Mayor and Aldermen of the city of Chattanooga, and be submitted to them at the last regular meeting of said Board in December of each year. ^{Report.} Said report shall be verified by the Treasurer, under oath, and shall show: 1st. The amount of money received for taxes upon lands and town lots; 2d. The amount of money received for license and special taxes of all kinds; 3d. The amount of money received from other sources; 4th. The total receipts; 5th. Items of expenditures; 6th. Aggregate expenditures; 7th. Balance on hand; 8th. Amount due the city from all sources. The report of the Treasurer shall be published six times in one of the city papers. Said Treasurer shall turn over to his successor in office on the first Tuesday in January, or when such successor shall be elected and qualified, all books, papers, moneys, credits or other property or evidence of indebtedness, pertaining to his said office.

SEC. 22. *Be it further enacted,* That the Law Court of Chattanooga is hereby invested with the necessary jurisdiction for the enforcement of the provisions of the foregoing section, so far as the same authorizes the city of Chattanooga to collect taxes by condemnation and sale of lands or town lots. ^{Law Court.}

SEC. 23. *Be it further enacted,* That the duties and compensation of the City Marshal, except as herein prescribed, shall be governed by the laws and ordinances now in force, until the same be repealed or modified by the city council. ^{Marshal.}

SEC. 24. *Be it further enacted,* That the City Assessor, City Treasurer and City Engineer, shall constitute a Board of Equalization. They shall meet upon the last Thursday in April, the second and last Thursdays in May, and the second Thursday in June, when they may hear and determine any complaint of any tax-payer, as to the valuation fixed upon his property. The Assessor's and Treasurer's books shall be open at the meetings of the Board, to the inspection of tax payers. Said Board of Equalization shall have no power to decrease or increase the aggregate valuation of any species of property return- ^{Board of Equalization.}

Same.

ed by the Assessor, but may equalize the same, and may receive evidence at their regular sessions which, in their opinion, will enable them to prevent partial or unjust valuations of property, and render the taxes equal and just. Their decision as to the valuation of property taxable for city purposes, shall be final. *Provided*, Nothing herein shall be construed so as to prevent an appeal from their decision to the Law Court of Chattanooga.

Civil District.

SEC. 25. *Be it further enacted*, That the territory included in the boundary of the city of Chattanooga, as defined in the second section of this Act, shall be, and constitute a civil district of Hamilton County, and shall be entitled to elect three justices of the peace.

Marshal.

SEC. 26. *Be it further enacted*, The City Marshal shall have power to execute State warrants and other process which constables generally have power to execute, within the limits of the corporation.

May borrow money.

SEC. 27. *Be it further enacted*, That the corporation of the city of Chattanooga shall have full power to borrow money on its bonds, for any object that its authorities may determine to be important to the promotion of its welfare, and is not made improper by existing laws; *Provided*, That the sum borrowed under the provisions of this section shall not bear a higher rate of interest than six per cent. per annum, and that nothing herein contained shall be construed as conferring on said corporation a power to issue paper that shall circulate as money.

Subscriptions.

SEC. 28. *Be it further enacted*, That said corporation shall have power to subscribe for stock in any railroad or turnpike company, and pay for the same with its bonds or otherwise; *Provided*, That any subscription of stock herein provided for, shall, before the same shall become valid and binding, be approved by a majority of the tax-payers of the city, being free male inhabitants thereof, over twenty-one years of age.

Acts repealed.

SEC. 29. *Be it further enacted*, That all Acts and parts of Acts inconsistent herewith or within the purview thereof, are hereby repealed, except the 6th section of an Act, entitled "An Act to amend the charter of the City of Nashville," etc., passed February 22, 1856, applicable to the City of Chattanooga, Tennessee, which is hereby re-enacted: *Provided*, nothing herein contained shall be construed as repealing, altering, or amending the law passed by this General Assembly, commonly known as the Metropolitan Police Law, or as authorizing said

corporation, or any of its officers, to interfere with the duties of the Metropolitan Police Commissioner, or the duties of any of his police force, so long as said law ^{Metropolitan Police.} shall be in operation and in force within said City of Chattanooga. And *provided further*, that all ordinances or parts of ordinances, enacted by the City Council of said corporation, not inconsistent herewith, shall remain in full force until amended, altered, modified or repealed by them, under this Act. And *provided further*, that any person or persons elected or appointed to any office under this charter, shall be a registered and duly qualified voter under the Act commonly known as the "Franchise Act," and before entering upon the duties of such, or any office thereunder, shall take and subscribe the oath required by said Franchise Act. This Act to take effect from and after its passage. ^{Eligibility to Office.}

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 24, 1866.

CHAPTER IX.

AN ACT to Incorporate the Sparta Burning Well Oil Company of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Rice, William Bradley, Edward O. Brien, Jesse Ontman, Denison R. Jenks, Barnabas Smith, John L. Beveridge, their associates, successors and assigns, be, and they are hereby created, constituted and declared, a body politic and corporate, under the name and style of "The Union Oil Mining and Manufacturing Company of Tennessee," and by said name and style, shall have succession for the term of ninety-nine years, and shall be capable in law to contract and be contracted with, sue and be sued, answer and be answered unto, to unite and prosecute to final judgment in any court of law and equity ^{Rights.}

Powers, etc.

in this State or elsewhere; to make, have and use a common seal, and change the same at will; with all the powers necessary to acquire and hold, lease, release, buy and sell property, personal, real and mixed, that they may desire, in carrying on their business; with all other powers proper or necessary for them to have, or granted to any other similar company by any Act of this General Assembly.

Same.

SEC. 2. *Be it further enacted*, That this company shall have the right to bore, explore, mine or dig for petroleum, or any other valuable volatile or mineral substances, and to refine, smelt, or convert any or all of them to any or all such uses as they may be severally adapted to; also, to conduct any of the several manufacturing businesses.

Capital Stock, etc.

SEC. 3. *Be it further enacted*, That this corporation shall have power to fix its capital stock, and increase or diminish it at will, and the number and representative par value of its shares, and the privilege to vend the same; also the right to pay for any species of property in shares of stock; and enact all the necessary by-laws, rules and regulations for its government, not inconsistent with the laws of this State, or the United States, as it may think proper.

Branch interests.

SEC. 4. *Be it further enacted*, That whenever said company shall become possessed of lands, leases, mines, or manufactories, it may create a separate interest in any tract of land, mine or manufactory, under some name to distinguish it, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights, privileges and immunities, conferred by the previous sections of this Act; *provided* the name of such branch interest, and the principal persons interested therein, capital stock, number and par value of shares, be recorded in a book in the office of the parent company.

Taxes.

SEC. 5. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed on similar incorporations in this State.

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 27, 1866.

CHAPTER X.

AN ACT for the benefit of the Trustees of Fayette Academy, Fayetteville, Lincoln County, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Trustees of the Fayette Academy, located at Fayetteville, Tennessee, be, and are hereby permitted and authorized, to sell the ^{Vacant Lot,} vacant lot of said Academy, and appropriate the funds arising therefrom, to the purchase of the Melton College, located at that place.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 30, 1866.

CHAPTER XI.

AN ACT to Incorporate the Artesian Springs of Tennessee, in Henry County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John T. Swayne, Amos Woodruff, Samuel B. Jones, Thomas G. Smith, James E. Merriman, Isaac B. Williams, Archibald D. Hunt, and their successors in office, be, and they are hereby constituted, a body politic and corporate, by the name and style of the "Artesian Springs of Tennessee," and shall be able, in law and equity, by that name, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and may have and use a common seal, and change and alter the same at pleasure, and have succession for thirty years; and take, by purchase or otherwise, and hold and convey, any real or personal estate whatsoever, for the purposes of this in-

Privileges.

corporation, which are hereby declared to be the establishment of the said Springs, heretofore known as the "Sulphur Well," and maintaining the same as watering places, in said County of Henry; and they may appoint officers, servants and agents, and do all other things necessary or proper, to carry on the business and objects of said incorporation; and may establish and keep up communication between said Springs, and any point or points on the Tennessee River, or any railroad, for the transportation of visitors and their baggage, to and from said Springs.

Capital Stock

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, which it may increase to seventy-five thousand dollars, divided into shares of one hundred dollars each, for the taking of which the company may open books, or cause the same to be opened, at such times and places, and in such manner, as it may direct, and such shares or stock shall be transferable only on the books of the company; and, upon the payment of ten per centum of the capital stock aforesaid, the said company shall be deemed and held a corporation in law and fact.

Board of Directors.

SEC. 3. *Be it further enacted*, That any four members, including the President, shall be a sufficient quorum for the transaction of business, as a Board of Directors, and said Board shall hold its meetings at such times and places as it may appoint, or as the President may name in any notice he may give, calling a meeting; the said President to be chosen from among the Directors by ballot. The Board shall also choose, in like manner, from their own body, or otherwise, a Secretary and Treasurer in the same, or two persons, and take from him or them, a bond or bonds, with good security, in such sum or sums as said Board may prescribe, payable to said company, and conditioned as prescribed by the Board; and all said officers and the Directors,

Other Officers

shall hold their office for the term of one year, and until their successors be chosen, which shall be done in such manner, and at such time or times, and place or places, as said Directors may prescribe; and all vacancies for unexpired terms, occasioned by death, resignation or other cause, to be prescribed by the Board, shall be filled by the Board, who shall also have power for any cause or causes they may prescribe, to remove any officer, agent or servant of said company. In the election of Directors, the stockholders may vote by proxy, or in proper person, and shall be entitled to one vote for each share they respectively hold.

SEC. 4. *Be it further enacted*, That this charter shall be deemed accepted unless expressly rejected, and shall not be deemed forfeited for non-user. Charter.

SEC. 5. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed by future legislation. Taxes.

SEC. 6. *Be it further enacted*, That said company may, at any time hereafter, make and construct a railroad, after the manner of street railroads, or otherwise, and run and operate the same, on such route as said company may select as most suitable for the same, between said Springs and any Railroad or Railroads, and between said Springs and the Tennessee River; and the said company may change its name, and adopt any other by which the said Springs shall be known; *Provided*, it make publication thereof in some one or more newspapers printed in this State. Railroad.

SEC. 7. *And be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed November 30, 1866.

CHAPTER XII.

AN ACT to Incorporate the Clay Savings Institution, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas A. Hamilton, R. P. Burditt, M. L. Meacham, J. Happek, A. Lessell, John P. Tobin and Henry J. Lynn, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Clay Savings Institution," and by that name shall have succession for twenty years, sue and be sued, plead and be impleaded; and generally to do every act and thing necessary to carry out the provisions of this Act, and promote the objects and designs of this corporation. Privileges.

Capital
Stock, etc.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be divided into shares of fifty dollars each; and when two hundred shares shall have been subscribed, and the sum of twenty-five dollars per share paid thereon, the stockholders may meet and elect five Directors, who shall serve one year, and until their successors shall be elected and enter upon the performance of their duties; and said Directors shall elect one of their number to be President, during their term of office.

Powers,
Taxes, etc.

SEC. 3. *Be it further enacted,* That said President and Directors shall and may adopt and use a common seal, and alter the same at pleasure; may make and adopt proper and necessary by-laws for their government; may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in the stock, and of the transfer thereof. Said institution shall have a lien on the stock for debts due it by the stockholders, before, and in preference to, all other creditors, except the State for taxes, and shall be subject to such taxes as may be imposed upon similar incorporations in this State.

Powers.

SEC. 4. *Be it further enacted,* That said institution may discount notes, buy and sell stock, deal in exchange, and gold and silver bullion; may purchase and hold a lot of ground for the use of the institution as a place of business, and at pleasure sell or exchange the same; and may hold such real or personal property and estate, as may be conveyed to it to secure debts due to the institution, and may sell and convey the same; it may receive on deposit any and all sums not less than one dollar per week, offered as stock deposits; and infants or *femes covert* may deposit therein and control the deposit so made, which shall be for their own separate use, free from all other contracts or control whatever; and when such deposits shall amount to fifty dollars, it may, at the option of the depositor, become stock in the institution; it may receive other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law; and twice per year, declare and pay to the stockholders a dividend of profits. But said institution is hereby expressly prohibited from issuing notes, certificates or other paper for the purpose of being used, or which shall have a tendency to pass and

Deposits, etc.

be used as a circulating medium, and shall not be permitted to use any other than National currency or coin in the payment of discounts.

SEC. 5. *Be it further enacted*, That the President and Directors shall, annually, appoint the time and place of holding the election of their successors; and two or more of their number shall attend and conduct said election, each share being entitled to one vote. Annual Election.

SEC. 6. *Be it further enacted*, That James M. Clark, H. H. Mahon, James A. Rogers, and Joseph Rutledge, their associates and successors, be, and they are hereby created, a body corporate and politic, by the name and style of the "Farmers' Bank of Brownsville," with all the rights, powers and privileges and immunities conferred in the Act to incorporate the "Bluff City Savings Institution," and subject to all the pains and penalties and restrictions imposed in the same. Farmers' Bank of Brownsville.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 1, 1866.

CHAPTER XIII.

AN ACT to Amend the Charter of the Union Consolidation Mining Company, of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Act passed March 1, 1854, entitled, "An Act to incorporate the Union Consolidation Company of Tennessee, and for other purposes," be, and the same is hereby amended, so that the said Union Consolidation Mining Company, of Tennessee, shall have the power to subscribe for, and hold stock, and dispose of the same, in the Cleveland and Ducktown Railroad Company, and for the purpose of raising money to pay for such stock or subscription to said stock, the said Union Consolidation Mining Com- Powers.

Bonds.

pany of Tennessee, is hereby authorized to issue mortgage bonds of said company, in such form and amounts, not to exceed five hundred thousand dollars in the aggregate, and to mature at such times, and to draw such rate of interest, as said company may see fit, and to dispose of said bonds, as the stockholders in said company shall deem best for their interest.

Banking

SEC. 2. *Be it further enacted*, That nothing herein, shall be so construed as to allow banking privileges, but that the proceeds of said bonds be applied exclusively to said Ducktown & Cleveland Railroad; and that this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 4, 1866.

CHAPTER XIV.

AN ACT to Incorporate the Home Petroleum and Mining Company, of Greeneville, Tennessee.

Powers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joel Terrill, John T. Becks, James C. Becks, H. H. Ingersoll, H. L. Terrill, George W. Keith, A. H. Pettibone and W. F. Greene, who now constitute a voluntary association, under the name and style of the "Home Petroleum and Mining Company, of Greeneville, Tennessee," their associates and successors, be, and are hereby incorporated a body politic; under the name and style of the "Home Petroleum and Mining Company," of Greeneville, Tennessee, under and by which name, said body politic, shall have succession for ninety-nine years, and transact its business; shall be competent to sue and be sued, plead and be impleaded, and shall have a common seal with power to alter the same at pleasure.

SEC. 2. *Be it further enacted*, That said corporation, as such, is hereby fully authorized and empowered to

acquire, by lease or purchase, any and all such lands and mineral interests, for the purpose of mining, producing and manufacturing petroleum, gold, silver, copper, lead, salt, and other valuable mineral and volatile substances, within the State of Tennessee, and such other places as said company may deem to their interest; and do and perform any and all such other acts and things as may be necessary and expedient, to prosecute successfully the business of said corporation. Powers.

SEC. 3. *Be it further enacted*, That the affairs of said company shall be managed by a Board of Directors, who shall be elected once a year, consisting of not less than five, and such agents and officers as they may appoint. The President, Secretary and Treasurer, shall be elected every year by the Directors, and all vacancies happening in said Board, or in any of the said offices, may be filled by the acting Directors for the remainder of the term for which they were elected or appointed. The Board shall have power to establish by-laws, not inconsistent with the laws of the State of Tennessee, for the government of said company, and to alter the same whenever it may be deemed proper for them to do so. Officers.

SEC. 4. *Be it further enacted*, That the principal office of said company shall be located at Greeneville, Tennessee, with power vested in the company to establish such branch, at such other places as they direct; and, also, to change the principal office of the company, at such time, and to such other place, as the Directors of the company may desire. Princ'l Office.

SEC. 5. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the right and privilege, on the part of said company, to make it five hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and the said company shall have power to re-open books, for subscription and sale of stock, and other purposes, at such times and places, and in such manner as the Directors may direct; and may make such sales and transfer of stock, as the Directors of the company may deem proper and expedient, for the successful prosecution of the business of said company. Capital Stock

SEC. 6. *Be it further enacted*, That the property and effects and vested rights, of the several parties herein incorporated, as they exist, under said voluntary association, may be transferred and secured to this corporation. Property, etc.

Liability. SEC. 7. *Be it further enacted*, That the stockholders are jointly and severally, individually liable, at all times, for all moneys due and owing to their laborers and employes, for services performed for such corporation.

Taxes. SEC. 8. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed on similar corporations.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 4, 1866.

CHAPTER XV.

AN ACT to Incorporate the Cumberland Manufacturing Company, and for other purposes.

Purposes. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Russell Houston, Augustus Jacobson, A. V. S. Lindsley, Charles R. Thompson, Robert Smith, Charles H. Irwin, Horace H. Harrison, Charles T. Wing, A. G. Sanford, William Jones and Henry Stone, their successors, heirs and assigns, are hereby created a body corporate, under the name and style of the "Cumberland Manufacturing Company," for the purpose of making and manufacturing cotton goods of all discription, and the machinery necessary to carry on any of the operations required to said manufacture.

Capital stock SEC. 2. *Be it further enacted*, That the capital stock of this company shall be, not to exceed one million dollars, divided into ten thousand shares of one hundred dollars each.

Directors. SEC. 3. *Be it further enacted*, That the management of the affairs of this company shall be intrusted to a Board of Directors, to consist of not less than five, nor

more than thirteen persons, who shall be elected by the stockholders annually, and who shall hold office until their successors are chosen. A majority of the Directors shall be a quorum for the transaction of business. No person shall be a Director, who is not a *bona fide* stockholder.

SEC. 4. *Be it further enacted,* That this charter shall continue in force and effect for the period of ninety-nine years.

SEC. 5. *Be it further enacted,* That in all things not inconsistent with the provisions of this charter, this corporation shall be governed by the general law of the State respecting private corporations.

SEC. 6. *Be it further enacted,* That A. A. Campbell and R. H. Brown, of Polk County, Tennessee, and Joseph W. Allen, Adam G. Adams, Richard B. Cheat-ham, R. F. Bell, Daniel H. Bailey, Thomas B. Sample, William T. Sample, and John Lellyett, of the county of Davidson, their associates, successors, and assigns, be, and are hereby constituted a body politic and corporate, under the name and style of "The Mine City Copper Company," to have succession for thirty years, and with all the rights, privileges, duties, responsibilities and immunities, conferred upon the Tyree Springs Petroleum Company, by An Act entitled, "An Act to incorporate the Tyree Springs Petroleum Company," passed May 26, 1866.

SEC. 7. *Be it further enacted,* That it may and shall be lawful for the President and Directors of the Memphis Gayoso Gas Company to increase the stock in said company to a sum not exceeding one million dollars; subject to the same rules, regulations and restrictions as provided in the original Act of incorporation.

SEC. 8. *Be it further enacted,* That Edward Small, William Small, Josiah Small, and Edward P. Bailey, their associates, successors and assigns, are hereby constituted a corporation, under the name and style of the "Emory Iron and Coal Mining Company," and by that name shall have succession for ninety-nine years, and shall be competent to sue and be sued in any court of equity or law; to have and use a common seal, and to alter the same at pleasure; to pass such by-laws, and amend the same from time to time, as may prove necessary for their government; to hold and purchase such real estate and personal property, leases, mines, minerals and ores, as may be necessary for the prosecution of their legitimate business; to mine, smelt, and

Privileges.

manufacture such minerals, mines, and leases, and the products thereof; that they may contract and be contracted with as to right of way to and from such mines and leases, and make contracts for all purposes necessary to carry on their business; to issue certificates of stock; the number of shares, and value of each share to be regulated by said corporation; the whole capital stock not to exceed three hundred thousand dollars; to determine the par value of shares; to pay in said certificates of stock for real estate and such other property as they may need in the prosecution of their business; and generally to have, exercise and enjoy such power and privileges, incident to and enjoyed by corporations authorized by the State of Tennessee, except the right to issue notes or engage in banking.

Separate Interests.

SEC. 9. *Be it further enacted*, That when said corporation shall become possessed of any lands, mines, or leases, situated in this State, a separate and distinct interest of each tract of land, mine, or lease, may be created, under some name to distinguish the same, and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this Act.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 4, 1866.

CHAPTER XVI.

AN ACT to Incorporate the Holston Conference of the Methodist Episcopal Church.

WHEREAS, The Holston Conference of the Methodist Episcopal Church, having its fields of operations principally in East Tennessee, and numbering some forty or fifty ministers, having the pastoral care of four-

teen thousand members, four thousand probationers, and some seventy-five thousand hearers, is sometimes required to act as custodians and dispensers of bequests, and other funds, for religious, charitable and educational uses, and therefore needs to have legal corporate existence; Therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Holston Conference of the Methodist Episcopal Church, is hereby constituted and declared a body corporate, with full corporate powers, to acquire and hold real and personal property, and defend and maintain the holding and use of the same, for religious, charitable and educational purposes, sue and be sued, and do any and all acts which corporate bodies may lawfully do.

Powers.

SEC. 2. *Be it further enacted*, That Thos. H. Pearne, John F. Spence, J. A. Hyden, W. C. Graves, W. H. Rogers, W. C. Dailey and William Milbern, citizens of Tennessee, are hereby created a Board of Trustees for said Conference, with such order of succession, as said Conference, at its first annual meeting, after the passage of this law, shall determine.

Trustees.

SEC. 3. *Be it further enacted*, That this Act shall take effect and be in force, from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 5, 1866.

CHAPTER XVII.

AN ACT to Incorporate the National Discount and Deposit Bank of Chattanooga.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William H. Harris and Abel A. Pearson, their associates, successors and assigns, shall be, and they are hereby constituted a body politic and corporate, by the name and style of "The National Discount and Deposit Bank of Chattanooga,"

Powers, &c.

and shall have succession for twenty years, and a common seal; and by that name sue and be sued, plead and be impleaded; may hold real estate so far as the same may be necessary for carrying on their business, and may receive the same in payment or security of debts; and may have a capital stock not to exceed five hundred dollars; and have all the powers, rights, privileges and immunities, and be subject to the same restrictions and provisions of a charter granted to John King and William C. King, for a Bank of Discount and Deposit at Chattanooga, Tennessee, by An Act of the General Assembly of this State, passed the 9th day of February, 1866.

SEC. 2. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 6, 1866.

CHAPTER XVIII.

AN ACT to Amend the Charter of the City of Knoxville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the City of Knoxville, shall have and exercise all the rights, powers, authorities, and privileges which have heretofore been conferred by law, upon the City of Nashville.

SEC. 2. *Be it further enacted*, That the Recorder of the City of Knoxville, be, and is hereby invested with jurisdiction concurrent with that of Justices of the Peace, in all cases of violation of the criminal law of the State, or of the ordinances of the corporation, committed within the limits of the corporation; and the policemen shall have power to make arrests in such cases, upon the warrant of the Mayor, any Alder-

man or the Recorder, at any place within the County of Knox; *Provided*, nothing in this Act shall be so construed as impairing the rights, privileges, or immunities of the incorporation known as East Knoxville; and that this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 7, 1866.

CHAPTER XIX.

AN ACT to Incorporate Hope Female Institute, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Silner, Seth Sparkman, E. G. Sewell, P. S. Fall, Minor Metcalf, J. A. Anthony, W. H. Goodloe, T. W. Brents, and A. J. Fanning, or a majority of them, and their successors, be, and they are hereby made and constituted a body corporate and politic, in fact and in name, with a succession for ninety-nine years, under the style and title of the "Trustees of Hope Institute;" and by that name shall be, and are hereby made able and capable in law, to have, hold, receive, purchase, possess and enjoy to them, and their successors, such real estate not exceeding two hundred acres, and all personal property necessary to carry all the objects of said corporation into full force and effect; and may sue and be sued, plead Powers. and be impleaded, answer and be answered, defend and be defended in all courts having competent jurisdiction; may make, have, and use a common seal, and do all other acts incident to a body corporate and politic.

SEC. 2. *Be it further enacted*, That as it is the purpose of this corporation to establish and conduct, at any point the Trustees may select in Middle Tennessee, an institution for the education of girls and young ladies, they may raise by subscriptions in stock, dona- Purposes.

tions, or otherwise, such an amount of funds as is necessary for carrying out their purposes, and they, and their successors, whom they shall elect, shall hold the same in trust, for the purposes contemplated.

SEC. 3. *Be it further enacted*, That the Trustees shall have authority to make such regulations and by-laws, not inconsistent with the laws of the State, or United States, as they deem requisite for the management of the property, or regulation of the school.

Trustees'
duty.

SEC. 4. *Be it further enacted*, That they shall elect the teachers, prescribe the amount to which each shall be entitled for services, and their decision shall be final in all controversies between teachers, or teachers and pupils.

Same.

SEC. 5. *Be it further enacted*, That with the aid of the faculty, the Trustees shall prescribe the course of studies, which shall be as full as in any other female school in the State; and shall confer such honors, certificates and diplomas as are usual in the best institutions for the education of young ladies, in the United States, and perform all duties incident to the management of a first class school.

Tennessee
Manual Labor
University.

SEC. 6. *Be it further enacted*, That Samuel Lowery, Peter Lowery, Lafayette Robinson, Boyd Johnson, Frederick Dodson, and Samuel Davis, or a majority of them, and their successors, be, and they are hereby made and constituted a body corporate and politic, in fact, and in the name and style of the "Trustees of the Tennessee Manual Labor University," to be located in Middle Tennessee; shall have succession for ninety-nine years, with the powers and privileges conferred by this Act on the Hope Female Institution, and subject to all and like restrictions, except as herein provided, in the following sections.

Powers.

SEC. 7. *Be it further enacted*, That whereas, the Tennessee Manual Labor School is incorporated for the purpose of educating the youth of the country who have no means to obtain a good practical education, that in addition to the other powers and privileges granted by this Act, that they have the power to purchase, lease, or rent, a farm or farming lands, to erect houses, mills, shops and machinery thereon; to conduct agricultural, mechanical, or other lawful pursuits, for the education and development of the mind and body, and to prepare the pupil to make a useful citizen. That they shall have the power to buy and sell for the produce and manufactures of said farm, mills, shops, machinery, etc., for the use and benefit of

said University, paying only such taxes as are imposed on literary institutions.

SEC. 8. *Be it further enacted*, That Samuel Hyder, Wyley McKeehen, Samuel J. Williams, Samuel Miller, J. J. Williams, C. C. Taylor, jr., and Nathan T. Krous, and their associates, be, and they are hereby constituted, a body corporate and politic, by the name of the ^{Buffalo Male and Female} "Trustees of the Buffalo Male and Female Institute," ^{Institute.} and shall have ninety-nine years succession; and be capable in law or otherwise, to purchase, receive and hold, to themselves, and their successors, any lands, tenements, goods or chattels, which may be given, granted, or devised to them, or purchased for the use and benefit of said Institute; and the said Trustees, and their successors, by the name aforesaid, may sue and be sued, in any court of law or equity, in this State or elsewhere.

SEC. 9. *Be it further enacted*, That the Trustees aforesaid, and their successors, shall have power to hold such meetings, at such times and places as they may think proper, to elect one of their number President, ^{Meetings, etc} Secretary, and Treasurer of said Board, and to fill vacancies that may happen by death, resignation or otherwise, but not less than five of said Trustees shall constitute a quorum to do business relating to the interests of said Institute.

SEC. 10. *Be it further enacted*, That said Board of Trustees shall have power to make such by-laws, rules and regulations, relative to said Institute, and the government thereof, and their own proceedings, as a major- ^{Government.} ~~ity~~ of said Board may deem expedient: *Provided however*, that they are not inconsistent with the constitution and laws of the United States, or the State of Tennessee.

SEC. 11. *Be it further enacted*, That the Trustees may have power to increase their number to fifteen, and to elect others at any regular meeting, when vacancies occur; to declare vacant the seat of any Trustee, who may neglect the business of the said institute of learning for one year, or for conduct not becoming the dignity and responsibility of his station. ^{Vacancies.}

SEC. 12. *Be it further enacted*, That after said Trustees shall have become organized, and put said institution into operation, it shall not be lawful for any ^{Ardent} person to sell by retail, any ardent spirits, wines or ^{spirits.} intoxicating liquors of any kind whatever, within one mile of said institution, while said school is in operation.

Penalty for violation of this Act **SEC. 13.** *Be it further enacted,* That every person violating the provisions of this Act, shall be liable to indictment or presentment, in any court in this State, having jurisdiction thereof, and upon conviction thereof, shall be fined not less twenty-five nor more than fifty dollars for every such offense, and half of said fine, when collected, to go to the use of said institution, and the other half to the State, and that this charter shall, in all respects, be under legislative control.

Memphis Female Seminary. **SEC. 14.** *Be it further enacted,* That the "Memphis Female Seminary," is hereby created a body corporate, by the name of "The Memphis Female Seminary," with power to sue and be sued, and to do all other acts that similar institutions are now authorized by law to do.

Trustees. **SEC. 15.** *Be it further enacted,* That R. P. Balling, George Gantt, W. B. Greenlaw, M. L. Meecham, J. C. Terry, W. B. Waldron, and Dr. John R. Allen, and their successors, are hereby made the corporators and Trustees of said Female Seminary, with power to organize, by the election of a President, Secretary, and Treasurer; to fill vacancies in their body, occasioned by death, resignation, removal from the State, or otherwise; with power to acquire, hold and manage such real estate and other property, as may be necessary for the success and welfare of said institution; to sell and re-purchase when the good of the Seminary may require it; and to exercise, in reference to the property of the institution, when necessary, all such powers as are conferred upon similar institutions by the private or public acts of the State.

Powers.

Degrees. **SEC. 16.** *Be it further enacted,* That said Female Seminary is hereby empowered to confer, at the time of graduation, degrees upon graduating pupils, and such honorary degrees thereafter, as other institutions of learning are empowered to confer.

Property. **SEC. 17.** *Be it further enacted,* That the property held by the said Female Seminary for educational purposes, is hereby declared exempt from taxation, whilst it is being employed solely for such educational purposes.

SEC. 18. *Be it further enacted,* That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 10, 1866.

CHAPTER XX.

AN ACT to Incorporate the Memphis Transfer Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Gathard, James S. Wilkins, J. C. Merriman, W. C. Bird, R. Wilcox, P. G. Marsh, J. J. Sears and B. F. Smith, their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of "The Memphis Transfer Company," with succession for thirty years, for the purpose of transferring goods, ware and merchandise of any and every description, and passengers, between different points in the city of Memphis and its suburbs; and for such purposes may purchase, hold, mortgage, transfer and convey any real or personal property; and may purchase, lease or erect any buildings necessary for the purpose of carrying on their business undertakings promptly and successfully; that they may have a common seal, and alter or renew the same at pleasure; and in their corporate name, sue and be sued, plead and be impleaded, prosecute and defend in any Court of law or equity; and generally to have, enjoy and exercise all rights and privileges, and only such as are necessary to the faithful performance of contracts undertaken under the provisions of this Act; and be subject to all the liabilities and restrictions imposed by existing laws, upon similar corporations. Powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be twenty-five thousand dollars, but may be increased to one hundred thousand dollars; that the stockholders may elect a President and Directors of their own number, and appoint officers and agents under such regulations as they may adopt, not in conflict with the spirit of this Act, or existing for the government of similar private corporations; that they may charge reasonable compensation for their services. *Provided,* that nothing herein contained shall be construed as conferring any exclusive privileges in the transfer of goods, etc., upon said company. Capital Stock.

SEC. 3. *Be it further enacted,* That this incorpora-

Taxes.

tion shall be subject to such taxes as future legislation may impose; and that this Act shall take effect from and after its passage.

WM. HEISKELL,
Speaker of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 10, 1866.

CHAPTER XXI.

AN ACT to Incorporate the Knoxville Mutual Fire Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That M. L. Hall, John Baxter, O. F. Hill, E. J. Sanford, J. C. S. McDannel, James C. Moses, A. G. Jackson and C. C. Nelson, their associates, successors and assigns, are hereby created a body corporate by the name of "The Knoxville Mutual Fire Insurance Company," with power, by that name, to prosecute and defend suits at law, to have and use a common seal, to make by-laws and regulations for the management of their affairs, not repugnant to the laws of the State; may purchase and hold such personal and real estate as may be necessary to effect the objects of their association, and to enjoy all rights and powers incident to such corporations.

Members.

SEC. 2. *Be it further enacted*, That every person who shall, at any time, become interested in said company, by insuring therein, and also their heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for, and during the terms specified in their respective policies, and no longer; and shall, at all times, be bound by the provisions of this Act.

SEC. 3. *Be it further enacted*, That there shall be a meeting of said company at Knoxville, in the county of Knox, and State of Tennessee, on the first Monday

in April, annually, or on such other day as said company may hereinafter determine, at which meeting shall be chosen, by a majority of the members, a Board of Directors, consisting of not more than five, nor less than three members, who shall continue in office until others shall have been chosen, and accepted the trust in their stead. All vacancies happening in said board may be filled by the remaining members, until the next annual meeting, and a majority of the whole number shall constitute a quorum for the transaction of such business. Special meetings of the company may be called by order of the Directors, or in such manner as the by-laws thereof may prescribe.

Ann'l Meet'g.

Vacancies, &c

SEC. 4. *Be it further enacted*, That the Board of Directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things thereunto relating, not otherwise provided for by said company. They shall have power, from time to time, to appoint a Secretary, Treasurer and such other officers, agents and associates, as to them may seem necessary, and prescribe their duties, fix their compensation, take such security from them as they may deem necessary for the faithful performance of their respective duties, and may remove them at pleasure. They shall determine the rates of insurance, the sum to be insured on any building not exceeding three-fourths of its value, and the amount of the note to be deposited for the insurance thereof. They shall order and direct the making and issuing of all policies of insurance, the providing of books, stationery and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the Treasurer for the payment of all losses which may have happened, and for expenses incurred in transacting the concerns of said company. They shall elect one of their own number to act as President, and may hold their meetings monthly, and oftener, if necessary, and shall keep a record of their proceedings.

Powers of Board of Directors, &c.

SEC. 5. *Be it further enacted*, That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum as shall be determined by the Directors; a part not exceeding eight per cent. of said note, shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and endorsed thereon, and the remain-

Deposit Notes

Same.

der of said deposit note shall be payable in part, or the whole, at any time when the Directors shall deem the same requisite for the payment of losses or expenses; and at the expiration of the term of insurance, the said note, or such part thereof as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished, and given up to the signer thereof.

Liability.

SEC. 6. *Be it further enacted*, That every member of said company shall be, and hereby is bound, and obliged to pay his proportion of all losses and expenses happening or occurring in and to said company, to the amount of his or her deposit note, and no more. And the company shall have a lien against the assured, on all buildings insured by them during the continuance of his or her policy, to the amount of his or her deposit note, and no more.

Losses.

SEC. 7. *Be it further enacted*, That when any member shall sustain any loss by fire, of the property so insured, the said member shall, within sixty days next after such loss, give notice thereof, in writing, to the Directors, or some one of them, or to the Secretary of said company, and the Directors, upon a view of the same, or in such other way as they may deem proper, shall ascertain the amount of said loss; and if the party suffering is not satisfied with the determination of the Directors, the said party, within three months next after such determination is made known, may bring an action at law against said corporation in said County of Knox; and in case the plaintiff in such action shall not, on trial, recover, as damages, more than the amount determined as aforesaid, no costs shall be allowed the plaintiff, but the corporation shall recover its costs, and execution shall issue for the balance in favor of the party entitled to recover it.

Assessments.

SEC. 8. *Be it further enacted*, That the Directors shall, after receiving notice of any loss or damage by fire, sustained by any member, ascertain the same, settle and determine the sums to be paid by the several members thereof, as their respective portions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall prescribe. And the sum paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such no-

tice, neglect or refuse to pay the sum assessed upon him, her or them, as his, her or their proportion of any loss or damage as aforesaid, in such cases the Directors may sue for and recover the amount of his, her or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the Treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected on demand after thirty days from the expiration of the time for which insurance was made. Same.

SEC. 9. *Be it further enacted*, That the said company may make insurance for any term not exceeding seven years, on dwelling houses, stores, shops, and other buildings, household furniture, neat cattle, horses, corn, grain, hay, and other merchandise, in Knoxville, or said Knox County, against loss or damage by fire, originating in any cause, other than by design in the assured; and that when the buildings insured, shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the Directors of said company to be cancelled; and upon such surrender, assured shall be entitled to receive his, her or their deposit note or notes, upon the payment of his, her or their proportion of all losses and expenses, that have accrued prior to such surrender. What may insure.
Sales.

SEC. 10. *Be it further enacted*, That two of the persons herein named, are authorized to call the first meeting of said company, at any time after the approval of this Act, by posting up notices, stating the purpose of said meeting, in two or more public and conspicuous places in the city of Knoxville, ten days prior to said meeting, and no policy shall be issued by said company, until application shall be made for insurance on ten thousand dollars at least. First meeting

SEC. 11. *Be it further enacted*, That J. B. Dodds, D. B. Hughes, E. T. Hopkins, William H. Deaderick, D. R. Alexander, N. C. Hilderbrand, David B. Dewey, J. W. Springer, Thomas A. Kerchival and all other persons, who may become hereafter associated with them, in the manner hereinafter prescribed, shall be, and are hereby constituted a body corporate and politic, under the name and style of the "Planters' Insurance Company," and by that name may sue and be sued, plead and be impleaded, in all courts of record or elsewhere; may have and use a common seal, may change, alter or re- Planters' Insurance Co.

Powers.

new the same at pleasure; may purchase and hold such personal and real estate, as may be necessary to effect the object of their association, and may sell and convey the same at pleasure; *Provided*, such real estate shall not exceed in value, at any one time, the sum of one hundred thousand dollars, except such as may be taken for debts due the company; they may establish and put into execution such by-laws as may be necessary or convenient for the regulation and management of their affairs, not inconsistent with the laws of the United States, or of this State.

Management.

SEC. 12. *Be it further enacted*, That the affairs of the company shall be managed by a Board of Directors, to consist of not less than eight, nor more than fifteen members; a majority of the whole Board shall constitute a quorum for the the transaction of business.

Directors.

SEC. 13. *Be it further enacted*, That the persons named in the first section of this Act, are hereby constituted a Board of Directors, to serve until the first annual election, and until others are chosen in their place; they shall have power to increase the number of directors, to any number not exceeding fifteen. The first annual election shall be held on the first Monday in July, A. D., 1867, and annually thereafter, notice of which shall be given in at least one public newspaper, for ten days preceeding said election. All elections shall be held at the office of the company, at such hour as the Board shall direct; such election shall be held under the inspection of the members, to be appointed by the Board; each member who shall have given a deposit note, which is in force at that date, shall be entitled to one vote. The Directors may prescribe a form for the appointment of proxies, and specify the evidence that shall be required in the execution thereof. Vacancies occurring in the Board of Directors, may be filled by the remaining directors; a failure to elect on the day specified shall not be deemed a dissolution of this corporation, but an election may be held at any future day, after giving due notice thereof.

Elections.

Officers.

SEC. 14. *Be it further enacted*, That the Board of Directors elect a President, Vice-President, Treasurer, and Secretary, who shall hold their offices for one year, and until others are elected in their places; they may appoint an executive committee, and the said committee may, when the Board is not in session, exercise all the powers vested in said company; they may also appoint such agents and subordinate officers, as may be

deemed necessary, who shall hold their offices during the pleasure of the Board.

SEC. 15. *Be it further enacted*, That the principal office of the company shall be located in the City of Memphis, but the company may establish offices or agencies, at any other places they may deem proper. Princip. Office

SEC. 16. *Be it further enacted*, That the business of the company shall be to make insurance on buildings, goods, wares, merchandise, or other property, against loss or damage by fire, lightning or tornado, or the perils of marine or inland navigation, or transportation, or upon any other risk they may deem proper. They may also make insurance on live stock, against loss by death or theft. Business.

SEC. 17. *Be it further enacted*, That the rates of insurance shall be fixed and regulated by the Board of Directors, and deposit notes may be received from the insured, in part payment of the premium, which notes shall be paid at such time or times, and in such sum or sums, as the Directors shall from time to time, require, to pay the expenses and losses of the company. Any person applying for insurance, and so electing, may pay a definite sum of money, in full for said insurance, and not incur further liability. All persons who shall become insured in this company, also their heirs, executors, administrators and assigns, continuing to be insured therein, shall be bound by the provisions of this Act, during the continuance of their policies, and no longer. Rates of Insurance.

SEC. 18. *Be it further enacted*, That members of this company shall be, and are hereby bound, to pay their proportion of all expenses and losses happening and occurring, during the time for which they are issued, to the amount of their deposit notes, held by said company, and the said company shall have a lien on all buildings, as against the insured, including the right, title and interest of the insured, to the lands upon which said buildings are situated and belonging thereto, for the payment of said deposit notes, or cash notes, which may have been given for the cash premium. Liability.

SEC. 19. *Be it further enacted*, That it shall be lawful for this company to re-insure any risk, or any part of a risk, upon which it may have made insurance. Re-insurance.

SEC. 20. *Be it further enacted*, That suits at law may be maintained by this company, against any of its members; and suits, also, may be maintained against the company, by any member thereof; and in any suit Suits at law.

Evidence.

between the company and any of its members, any member shall be admitted as a competent witness; when an action is brought for the recovery of any assessment on any deposit note, or any note given for premium to this company, the certificate of the President and Secretary, under seal of the company, stating the amount due on any such note, or notes, shall be taken, and received as *prima facie* evidence, in all courts and places whatsoever.

Losses.

SEC. 21. *Be it further enacted*, That the Directors shall, after receiving due proof of any loss sustained by any member, within four months thereafter, cause to be paid out of the funds of the company, the amount of said loss; *Provided*, the same is a just and fair claim against the company; and in case there shall not be sufficient money in the treasury of said company to pay said loss; or they may settle and determine the sum to be paid by the several members thereof, in proportion to the several amounts of their deposit notes, notice of which shall be sent to each member, by mail or otherwise, directed to his, or her, or their last known post office address. The amount assessed to each mem-

Assessments.

ber shall be paid into the treasury of said company within thirty days after said notice shall have been forwarded to said members, as aforesaid; and, if any member so assessed shall, for the period of thirty days after such notice, neglect, or refuse to pay the sum assessed upon him, her, or them, or their proportion of any loss aforesaid, in such case the Directors may sue for and recover the whole amount of his, her, or their deposit note, or notes, with costs of suit; and the money thus collected, shall remain in the treasury of said company, subject to the payment of such expenses and losses as have, or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, at the expiration of the term for which the insurance was made.

Failure to pay

SEC. 22. *Be it further enacted*, That any person or persons, who shall become members of said company, by effecting insurance therein, their heirs, executors, administrators and assigns, who shall neglect or refuse to pay any note given for cash premium, the same being due, or who shall neglect or refuse to pay any assessment duly ordered by the Directors of said company, for the term of thirty days, after the same shall have become payable, shall be excluded and debarred, and shall lose all benefit and advantage of his, her, or

their insurance, respectively, for and during the term of said defalcation or non-payment; but shall be liable to pay all assessments, that may be made during the term of said policies of insurance.

SEC. 23. *Be it further enacted*, That in all cases where property insured by said company, shall become ^{Change of ownership.} alienated by sale, change of ownership, judicial decree or otherwise, the policies issued thereon shall be void, unless the consent of the Secretary of this company shall be given in writing, to transfer said policy to the actual owner or owners, of said property.

SEC. 24. *Be it further enacted*, That, if, at any time, the whole amount of deposit notes and other ^{Losses.} assets of the company, shall be found to be insufficient to pay the losses occasioned by fire or otherwise, the sufferers insured by said company shall receive, toward making good their respective losses, a proportionate dividend of the entire assets of said company, in proportion to their respective losses.

SEC. 25. *Be it further enacted*, That, for the better security of policy-holders, the said company may ^{Stock capital.} add thereunto, a guarantee or stock capital, not exceeding two hundred thousand dollars, which may be divided into shares of ten dollars each; and the Directors may determine what interest or dividends shall be allowed on the said guaranteed capital; holders of said stock shall be entitled to one vote for each share of stock held by them in all elections for Directors of said company. If, at the end of any year, the profits, after reserving a sufficient sum to re-insure the risks, warrant a dividend to policy-holders, the company may ^{Dividends.} issue scrip for the same, which shall draw interest, at the rate of six per centum per annum, and payable at such time as the Directors may deem advisable for the best interests of the company; and all certificates issued by this company shall be transferable on the books of the company, by the holder thereof, or his legally constituted Attorney.

SEC. 26. *Be it further enacted*, That the funds of the company may be invested in United States, or State stocks, or in bonds and mortgages, at, not exceeding fifty per cent. of their value, or in such other ^{Investment of funds.} securities as the Directors may deem to be for the best interests of the company; but nothing in this Act shall be construed so as to authorize said company to perform any banking privileges, or to issue any certificate of deposit to circulate as money or currency. This

Taxes.

company shall not be required to make any deposit of its capital or funds; but said company shall be subject to such taxes as may be imposed upon similar incorporations in this State. Said company shall not commence issuing policies until applications for insurance, amounting to at least one hundred thousand dollars, shall have been received.

SEC. 27. *Be it further enacted*, That this charter shall continue in force for thirty years; and this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 10, 1866.

CHAPTER XXII.

AN ACT Granting further time to Rally Hill and Spring Hill Turnpike Companies to complete their Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time allowed the Spring Hill and Rally Hill Turnpike Company to complete their Road, be, and the same is hereby, extended five years.

Repealed.

SEC. 2. *Be it further enacted*, That all laws in conflict with this Act, are hereby repealed. And that this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 10, 1866.

CHAPTER XXIII.

AN ACT to Amend An Act, entitled, "An Act to Incorporate the Tennessee Pacific Railroad Company, passed May 24, 1866, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several Turnpike Companies incorporated in the Act in which this is intended to amend, shall have the power and the right to use the several highways or public roads running along their routes, whenever the same is practicable.

SEC. 2. *Be it further enacted,* That section 53 of the Act of which this is intended to amend, be so amended Section 53 amended. that whenever the capital stock subscribed to any of the Turnpike Companies named in said Act shall equal the market value of the railroad stock derived from the State, the stockholders, together with the commissioners, may elect five Directors, who shall organize their companies by the election of such officers as may be deemed necessary, and may then proceed to the construction of their several roads, as provided in said Act; and the said Directors shall then be authorized to sell or otherwise dispose of the railroad stock appropriated by said Act, and apply the proceeds to the construction of their respective roads. Organization.

SEC. 3. *Be it further enacted,* That the several Turnpike Companies incorporated by the Act which this is intended to amend, or their assigns, shall have the same right to vote the stock in the East Tennessee and Georgia Railroad Company, appropriated by said Act, in the election of Directors of said railroad, and all other privileges granted other stockholders by the charter of said road. Rights, &c.

SEC. 4. *Be it further enacted,* That the counties in which the aforesaid turnpike roads may be located, are hereby authorized to issue Coupon Bonds in such amount and under such conditions and restrictions as the County Court of said counties may prescribe to aid in the building of said roads, which County Bonds may be transferred to said several turnpike companies, in exchange for the railroad stock appropriated to said companies by the Act of May 24, 1866, chapter 88, Coupon Bonds

and held by said counties as security for the payment or redemption of said bonds at their maturity.

Failure to organize. SEC. 5. *Be it further enacted*, That unless the turnpike companies incorporated by the Act to which this is an amendment, shall organize their companies and commence the building of their several roads as prescribed by said Act within five years from the passage of this Act, then such of said companies so failing, shall forfeit their respective portions of stock owned by the State of Tennessee in the East Tennessee and Georgia Railroad Company, appropriated by said Act to said company; and the stock so forfeited shall be appropriated to the several companies that shall have *bona fide* complied with this Act, in proportion to the original appropriation.

Knoxville, Tazewell & Jacksborough Turnpike Co. SEC. 6. *Be it further enacted*, That the Knoxville and Tazewell Turnpike Company, incorporated by the Act of May 24, 1866, and the Knoxville and Jacksborough Turnpike Company, incorporated May 26, 1866, are hereby consolidated into one company, under the name and style of the "Knoxville, Tazewell & Jacksborough Turnpike Company," with all the powers, rights and privileges conferred by both said Acts of incorporation not inconsistent with each other, and that the commissioners appointed for both said companies shall act together as joint commissioners for said consolidated company; to open books, receive subscription of stock, and do and perform all the duties required of them by the Act of incorporation, for the organization of said consolidated company.

Stock appropriated. SEC. 7. *Be it further enacted*, That so much of the stock owned by the State of Tennessee and Georgia Railroad Company, appropriated to the Knoxville and Tazewell Turnpike Company, be set apart, released and appropriated to the Knoxville, Tazewell and Jacksborough Turnpike Company to aid in the construction of the turnpike road and branch designated in the Act of May 24, 1866, chapter 88, section 40; *Provided*, that the common stem and the point of divergence shall be left to the option of said consolidated company.

Act of May 26, 1866. SEC. 8. *Be it further enacted*, That chapter 142, section 8, of the Act of May 26, 1866, be, and the same is hereby repealed, so far as the same prescribes the width and depth of gravel or rock to cover the road bed, leaving these subjects discretionary with the directors of the consolidated company; *provided* they make a good road.

SEC. 9. *Be it further enacted*, That all laws and parts of laws any way in conflict with this Act, or the Act ^{Repealed.} to which this is intended to amend, are hereby repealed.

SEC. 10. *Be it further enacted*, That the work already done on the Bean Station Turnpike shall be counted as ^{Bean Station} so much stock already subscribed and paid in by said ^{Turnpike Co.} Bean Station Turnpike Company, and the amount of railroad stock granted to said Bean Station Turnpike Company by the Act which this is intended to amend, be set apart immediately to aid said company in the reconstruction of said road.

SEC. 11. *Be it further enacted*, That the route of the road running or to run from Athens to Madisonville, be so changed as to run from Athens to Tellico Plains, by ^{Athens.} the most practicable route.

SEC. 12. *Be it further enacted*, That a further time of two years be allowed the Davidson and Wilson County Central Turnpike Company, incorporated November 27, 1857, to complete their road; and the said ^{Time allowed to D. & W. C.} C. Turnpike company shall be entitled to the benefits of ^{Company.} section 7 of an enabling Act passed June 9, 1865, for the benefit of turnpike roads.

SEC. 13. *Be it further enacted*, That C. M. McGee and O. P. Temple be, and they are hereby appointed, ^{Kingston} additional commissioners for the Kingston Turnpike ^{Turnpike Co.} Company.

SEC. 14. *Be it further enacted*, That E. A. Sawyers, James H. Walker, John B. Minnis and John L. Foust, be appointed additional corporators and commissioners ^{N. M., D. & N.} in the New Market, Dandridge and Newport Turnpike ^{Turnpike Co.} Company.

SEC. 15. *Be it further enacted*, That the charter of the Murfreesboro and Liberty Turnpike Road, passed February 25, 1852, be so amended as to legalize the present construction of said road as regards the width and grade of the same. ^{Murf. & Lib.} ^{Turnpike Co.}

SEC. 16. *Be it further enacted*, That section 47 of ^{Section 47} said Act be so amended as to strike out the words "and amended. ^{amended.} McAdamizing."

SEC. 17. *Be it further enacted, Provided*, That section 2 shall not be so construed as to prevent the said commissioners from proceeding with the construction of said McAdamized roads with the funds derived from the sale ^{Section 2 con-} of said railroad stock before the subscription of any ^{strued.} private stock, as contemplated by the Act which this is intended to amend.

SEC. 18. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 11, 1866.

CHAPTER XXIV.

AN ACT Legalizing an Election held in Humboldt, Tennessee.

WHEREAS, An election was held in the town of Humboldt, Gibson County, Tennessee, for the purpose of electing a Mayor and Board of Aldermen, for said town, but said election having been held some two days after, and without the knowledge of, the passage of the Franchise Law, passed the third day of May, 1866, and said election not having been held in accordance with the provisions of said law; Therefore,

Made valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the election held for the purpose of electing a Mayor and Board of Aldermen, for the town of Humboldt, Gibson County, Tennessee, as aforesaid, be, and the same is hereby declared to be legal and valid, as if the same had been regularly held under the provisions of the Franchise Law, passed the third day of May, 1866.

Recorders
Court.

SEC. 2. *Be it further enacted*, That so much of section 4, as relates to incorporating the town of Humboldt, Gibson County, passed February 15, 1866, be so amended, as to grant said corporation the right to establish a Recorder's Court; said Court to be governed by the provisions of sections 1, 2, 3, 4 and 5, of An Act passed December 12, 1865, establishing a Recorder's Court in the town of Shelbyville; and that this Act shall take effect, from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 11, 1866.

CHAPTER XXV.

AN ACT to Encourage Iron Manufacturing and other interests of the State of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. J. Powers, R. C. Brinkley, Pinckney C. Bethel, John Donovan, W. J. Montgomery, J. J. Murphy, Thomas R. Smith and W. B. Greenlaw, be, and are hereby incorporated into a body politic and corporate, and their successors, under the corporate name and style of the "Memphis Union Iron Manufacturing Company," and as such, shall have succession for ninety-nine years. Memphis Union Iron Manufacturing Co.

SEC. 2. *Be it further enacted*, That the capital stock of this company shall be three hundred thousand dollars, divided into six thousand shares of fifty dollars each, with the privilege of increasing the capital stock, not exceeding one million dollars, at the option of the stockholders. Capital Stock.

SEC. 3. *Be it further enacted*, That this company shall have a common seal, and by its corporate name and style, shall have power to transact all its business, erect blasting furnaces, rolling mills, shop for the manufacture of railroad iron, cars, car-wheels, boilers, engines, farming implements, and such other manufacture as the wants and condition of the country require. Powers,

SEC. 4. *Be it further enacted*, That this company shall have authority to elect its own officers, and establish its own by-laws, rules and regulations, for the government of the same. Government.

SEC. 5. *Be it further enacted*, That this corporation shall be subject to such taxes as other similar institutions in this State. Taxes.

SEC. 6. *Be it further enacted*, That all lands, fixtures, and other things, purchased in the name of, and for the use and benefit of the Memphis Union Iron Manufacturing Company, in the City of Memphis, before the passage of this Act, shall be vested in the company herein incorporated. Property.

SEC. 7. *Be it further enacted*, That the parties named in the first section of this Act, are hereby appointed commissioners to open books, to receive subscriptions to the capital stock of said company; and as soon as Books.

Election.

twenty-five thousand dollars are subscribed, may hold an election for Directors, after first giving thirty days' notice in one or more newspapers, published in the City of Memphis, and organize said company.

Fayetteville
Savings Inst'n

SEC. 8. *Be it further enacted*, That J. B. Lamb, Alfred Bearden, D. M. Perkins, J. W. Newman, J. D. Tiffman, T. C. Goodrich, G. W. Blake, W. N. Wright, Capt. H. N. T. Shipp and Chas. Wilson, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Fayetteville Savings Institution," and by that name shall have succession, sue and be sued, plead and be impleaded, and generally to do every act and thing, necessary to carry out the provisions of this Act, and to promote the object and design of this corporation.

Capital Stock.

SEC. 9. *Be it further enacted*, That the capital stock of said company, shall be divided into shares of fifty dollars each, and when two hundred shares shall have been subscribed, and the sum of five dollars per share paid thereon, the stockholders may meet and elect five Directors, who, when elected, shall enter upon their duties; and said directors shall elect one of their number to be President during their term of office.

Governm't etc

SEC. 10. *Be it further enacted*, That said President and Directors shall, and may adopt and use a common seal, and alter the same at pleasure; may make and adopt proper by-laws for their government; may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in the stock, and of the transfer thereof. Said institution shall have a lien on the stock for debts due it by stockholders, before and in preference to other creditors, except the State and county, for taxes, and shall pay to the State such tax as may be imposed on similar institutions by the Legislature.

Powers, Privi-
leges, etc.

SEC. 11. *Be it further enacted*, That said institution may discount notes, may buy and sell stocks, deal in exchange, gold and silver bullion; may purchase and hold a lot of ground, for the use of the Institution, as a place of business, and at pleasure, sell or exchange the same; and may hold such real or personal property and estate, as may be conveyed to it, to secure debts due the Institution, and may sell and convey the same; it may receive upon deposit, any and all sums, not less than one dollar per week offered; and infants and *femes covert* may deposit therein, and control the deposits so

made, which shall be for their sole and separate use, free from all other contracts whatever; and when any deposits shall amount to fifty dollars, it may, at the option of the depositor, become stock in the Institution. It may receive other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law; and twice a year declare and pay to stockholders, a dividend of profits. But said Institution is hereby expressly prohibited from issuing notes, certificates or other paper, for the purpose of being used, or which shall have a tendency to pass and be used as a circulating medium. Deposits.

SEC. 12. *Be it further enacted*, That the President and Directors shall annually appoint the time and place of holding the election of their successors; and two or more of their number, shall attend and conduct said election, each share being entitled to one vote. Annual Election.

SEC. 13. *Be it further enacted*, That John Donovan, P. T. Hughes, John Bullock, William H. Bridges, J. A. J. Smith, Thomas E. Leonard and Edward Wickersham, and their associates, are hereby incorporated, under the name and style of the "Citizens' Union Bank of Memphis, Tennessee," with all the rights, powers and privileges conferred upon the Gayoso Savings' Institution of Memphis, in its charter, for the period of twenty years. Citizens' B'k of Memphis.

SEC. 14. *Be it further enacted*, That the Act to charter the "Bluff City Savings Institution," of Memphis, Tennessee, passed May 24, 1866, with the amendments thereto, shall expire in thirty years from the passage of this Act; and that this Act shall take effect, from and after its passage. Bluff City Savings Inst.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed December 11, 1866.

CHAPTER XXVI.

AN ACT to Incorporate the Rock City Paper Manufacturing Company, for the purpose of manufacturing paper, and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Edward S. Jones, W. H. Thomas, John Trenbath, Samuel E. Jones and O. F. Hunt, their associates and successors, are hereby created a body politic and corporate, under the name of the "Rock City Paper Manufacturing Company," for the purpose of manufacturing all kinds of paper and book-binders' boards, and any other branch of mechanism; and for that purpose, may erect all necessary buildings, store-houses, depots, machinery, stacks, tanks, engines, and all other fixtures necessary for successfully carrying out the spirit of this charter; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any Court of law or equity, in all suits and actions; may have a common seal, the same alter and renew at pleasure, and may enjoy all the privileges incident to corporations, for the term of fifty years, with the privilege of renewal; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

Powers.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same, not to exceed five hundred thousand dollars, the same to be divided into shares of one hundred dollars each; that as soon as twenty thousand dollars of said capital stock shall be subscribed, said company may commence active operations; and that said stock may be subscribed in money or personal or real property, as may be agreed upon.

Capital Stock.

SEC. 3. *Be it further enacted,* That the persons hereinbefore incorporated in the first section of this Act, or a majority of them, may organize said company, by electing a Board of Directors, one of whom shall be elected President; to elect a Secretary, Treasurer, Superintendent, and such other officers as may be necessary for successfully carrying out the operations of the company; to make such by-laws, alter and amend the same at pleasure, for the government of the cor-

Organisation.

poration as may seem meet and proper, not inconsistent with the laws of the United States, and of this State. That said Board of Directors shall continue in office for one year, or until their successors are elected by the stockholders. A majority of the Board of Directors shall constitute a quorum to do business; may declare and pay dividends on the capital stock from time to time; the stockholders may vote at all elections in person or by proxy; that the stockholders shall be individually liable for the amount of stock subscribed by each until the same is paid in full in money, or by the transfer of property, real or personal, as hereinbefore provided; no stockholder to be allowed to vote beyond the amount actually paid in. Same.

SEC. 4. *Be it further enacted*, That all future Boards of Directors shall be elected by the stockholders, at their annual meeting, which Boards of Directors shall be vested with like powers and privileges as those granted to the original Board: To elect all officers named in section 3, of this Act; to amend the by-laws of the company; to provide for the transfer of the stock owned by the stockholders; to keep a stock-book, in which shall be entered the name and residence of each stockholder, and the amount of stock owned by each; the amount paid in, the transfer of all shares of stock, the date of each transfer, and to whom made; also, books showing the assets and liabilities of said company, of what they consist, the profits and losses of the same; which books shall be subject to the inspection of the stockholders at all times. Duties of Directors.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 12th, 1866.

CHAPTER XXVII.

AN ACT to Repeal the 46th section of An Act entitled, "An Act to Incorporate the Tennessee Pacific Railroad Company, and for other purposes," passed May 24, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the 46th section of An Act to incorporate the "Tennessee Pacific Railroad Company," and for other purposes, passed May 24, 1866, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That Henry Tyler, Joseph Campbell and Martial Greene of Hancock County, and Alexander Long, A. P. Calwell and W. C. Kyle of Hawkins County, and their successors in office, be, and they are hereby constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name of the "Sneedsville and Rogersville Turnpike Company," for the purpose of constructing, grading and McAdamizing a Turnpike road from Sneedsville in Hancock County, to Rogersville in Hawkins County, by the most direct or practicable route between said two points, as may be fixed and determined upon by said corporation.

SEC. 3. *Be it further enacted,* That the appropriation of thirty thousand dollars to the Sneedsville Turnpike Company in section 50, of the Act incorporating the Tennessee Pacific Railroad Company, and for other purposes, be, and the same is hereby repealed; and said sum of thirty thousand dollars is hereby appropriated to the "Sneedsville and Rogersville Turnpike Company," on the same terms and under like restrictions as the same was appropriated to the Sneedsville Turnpike Company.

SEC. 4. *Be it further enacted,* That section 53 of said Act, be so amended in regard to the Sneedsville Turnpike Company, that the counties of Hancock and Hawkins be authorized to take stock in said Sneedsville and Rogersville Turnpike Road, and when the commissioners, or a majority of them, shall be of opinion a sufficient amount of stock has been subscribed to construct said Sneedsville and Rogersville Turnpike Road, they shall proceed as provided in the Act this is intended to amend.

SEC. 5. *Be it further enacted,* That for the amount

the counties of Hancock and Hawkins may subscribe, the County Courts of said counties may authorize the issuance of County Bonds, payable at such time as may be directed by the County Courts of said counties. County Cts.

SEC. 6. *Be it further enacted*, That so much of the original Act as requires an amount equal to the par value of the State Stock in this Sneedsville and Rogersville Road, be, and the same is hereby repealed.

SEC. 7. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 12, 1866.

CHAPTER XXVIII.

AN ACT to Incorporate the Knoxville Ice and Water Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Josiah Curtis, Luther S. Trowbridge and H. A. Cooper, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Knoxville Ice and Water Company," and by that name shall have succession for ninety-nine years; and shall be competent to sue and be sued, in any court of equity or law whatever; to have and use a common seal, and to alter the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, lease, hold and dispose of such real estate, leases, water powers, water privileges and personal property, as may be necessary for the legitimate transaction of their business; to make, freeze, put up, secure, vend and sell ice; to erect the necessary buildings, protecting and securing the same; to pursue the necessary means for distributing water by pipes or otherwise, to the citizens of the city of Knoxville and East Knoxville; to issue such numbers of

Shares.

shares of the stock of said company, at the representative par value thereof, as may be ordered by a vote of said company; to determine the par value of shares and have the right to pay in shares of stock of the corporation, for such real estate, leases, water powers and water privileges, as may be necessary to purchase or lease for the operation of the works of said company; and generally to have, enjoy and exercise all rights and privileges incident to corporations, except the right to issue notes or engage in banking.

Separate interests.

SEC. 2. *Be it further enacted*, That whenever said company shall become possessed of real estate, leases or water privileges, situate in this State, a separate and distinct interest of each lease, water power or privilege, may be erected, under some name to distinguish the same; and in like manner may organize under and enjoy, as a distinct branch interest, all the rights and privileges named in the first section of this Act; and that this Act shall take effect from and after its passage.

Southern Insurance Co.

SEC. 3. *Be it further enacted*, That John F. Tolan, R. H. Thompson, A. J. Tynes, B. Wright and J. R. Berry, and all other persons who may hereafter be associated with them, in the name and style of the "Southern Insurance Company," are hereby constituted a body politic and corporate, to have succession for thirty years; and by that name may sue and be sued, appear, prosecute and defend, in any court of record, or other court or place, whatsoever; and may have and use a common seal, and may alter, break and renew the same at pleasure; and may purchase and hold such personal and real estate, as may be deemed necessary to effect the objects of their association, and may sell and convey the same at pleasure; and may make, establish and put into execution, such by-laws, ordinances and resolutions, not being contrary to the laws of this State, or of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things, as may seem necessary to carry into effect the provisions of this Act.

Directors.

SEC. 4. *Be it further enacted*, That the affairs of this company shall be governed and managed by a Board of Directors, to consist of not less than three, nor more than fifteen members, or stockholders, as may be regulated by the by-laws of the company. The President and two Directors shall constitute a quorum for the transaction of business.

SEC. 5. *Be it further enacted,* That the persons named in the first section of this Act, are hereby constituted a ^{same.} Board of Directors, to serve as such until others are chosen, which may be done by them.

SEC. 6. *Be it further enacted,* That the Board of Directors, shall elect a President, Vice-President, Secretary and Treasurer, who shall hold their offices for one ^{Officers.} year, and until others are chosen and qualified in their place. The Board of Directors may, and they are hereby vested with the power to appoint or elect an executive committee, to consist of not less than two, who shall have power to transact all the business of the company, in the absence of the Board of Directors.

SEC. 7. *Be it further enacted,* That premium or deposit notes may be received by the Board of Directors, ^{Deposit notes} from the assured, which shall be paid at such time or times, and in such sum or sums, as the Directors may, agreeable to their by-laws, require, to pay the expenses and losses of the company; and the Directors may fix the amount to be paid at the time of insuring; and any party applying for insurance, so electing, may pay a definite sum of money, in full for insurance, and in lieu of a premium note; but no member shall be bound to pay, in the whole, more than the amount of their premium notes and cash premiums.

SEC. 8. *Be it further enacted,* That the home office of this company shall be in the city of Nashville, in ^{Home Office.} the State of Tennessee, and may be removed to any other town or place in the State, when the Directors may deem it necessary and convenient, to carry out the provisions of this Act.

SEC. 9. *Be it further enacted,* That the certificate of the President or Secretary of this company, under seal ^{Evidence.} of the company, stating the amount due the company from any of its members, shall be taken and received as *prima facie* evidence in any court whatsoever.

SEC. 10. *Be it further enacted,* That suits at law may be maintained by this company, against any of its ^{Suits at law.} members, and any of its members against the company; and in any suit between the company and any of its members, any member shall be admitted as a competent witness for and in behalf of this company.

SEC. 11. *Be it further enacted,* That this company may insure against loss or damage by fire, lightning, ^{Insurance.} wind, tornado, or any other insurance whatsoever, that the Directors may deem proper, including life and accidental insurance; and this company is hereby vested

with all powers that any insurance company has, that is now doing business in this State; and they may charge and receive such premiums as may be agreed on, by and between the parties.

Assessments. SEC. 12. *Be it further enacted,* That if any member should fail to pay any assessment for the term of thirty days after notice thereof, the company may bring an action or suit at law, and recover the whole amount of his, her or their premium note or notes, with costs of suit, and attorney's fees for collecting the same, and the company retain the same, until thirty days after their policy may have expired, that was issued on account of said note or notes; and the amount that is not consumed in payment of expenses and loss, to be refunded to the parties, on demand.

Capital Stock SEC. 13. *Be it further enacted,* That the cash premiums, together with the premium and deposit notes, shall constitute the capital stock of this company, which may be increased by a guarantee capital, as hereinbefore provided.

Guarantee Fund. SEC. 14. *Be it further enacted,* That for the better security of the policy holders, the said company may receive guarantee notes or mortgages on real estate, to be approved by the Board of Directors, or executive committee thereof, to the amount of five hundred thousand dollars, and the makers thereof shall be paid in consideration of such guarantee, a compensation, to be determined by the Board of Directors, or executive committee, but not to exceed six per cent. per annum; such notes or mortgages shall be entitled to representation in the election of Directors, in the ratio of one vote for every hundred dollars, and shall be liable for the losses and expenses of the company, whenever the cash premiums and premium notes, are insufficient to pay the same. Scrip certificates may be issued for such guarantee fund, transferable only on the books of the company.

Lien. SEC. 15. *Be it further enacted,* That every policy issued by said company, shall, of itself, create a lien on the real estate of the party whose property is insured by such policy, and on the personal property belonging to said party, for the payment of premium notes, and notes that may have been given for cash premiums.

Funds. SEC. 16. *Be it further enacted,* That the Board of Directors may invest and employ the funds of the company, in such way and manner, as they may judge that the interest and welfare of the company require; but

nothing contained in this Act, shall be so construed as to authorize said company, to perform any banking privilege, or to issue any certificate of deposit, to circulate as money or currency.

SEC. 17. *Be it further enacted*, That this Act shall take effect, from and after its passage.

SEC. 18. *Be it further enacted*, That in addition to the powers and privileges heretofore conferred upon the ^{Fountain Fire} Co. No. 1. Fountain Fire Company, No. 1, of the City of Knoxville, they be invested with the same privileges that are conferred upon the Nashville Fire Police, by an Act passed March 19, 1858, chap. 149, sec. 4, 5 and 6.

SEC. 19 *Be it further enacted*, That the charter of said Fire Company, No. 1, of the City of Knoxville, together with this amendment, shall be made to continue for ninety-nine years.

SEC. 20. *Be it further enacted*, That the charter of ^{Memphis & T.} the Memphis & Tullahoma Plank Road Company and ^{Plk Road Co.} the Memphis & Somerville Plank Road Company, be, ^{and the} and the same are hereby repealed, revoked, dead and ^{Memphis & S.} ^{Plk Road Co.} forfeited, inasmuch as the said companies have failed and refused to take advantage of the enabling Act, passed June 9, 1865, for their benefit, which Act provides, upon certain conditions, that said companies might put up gates, collect tolls, and repair their said roads.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate

Passed December 13, 1866.

CHAPTER XXIX.

AN ACT to Supply an Index to Grant Books in the Land Office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the State Librarian make an Index to the Grant Books in said office, containing all grants issued by the Register of the Land Office of West Tennessee, and based upon warrants and certificates between the years 1807 and 1846, inclusive; said

Index to give the number of grant, name of grantee, description of situation where said land lies, date of grant, and the page and number of folio where said grant is recorded.

Compensat'n. SEC. 2. *Be it further enacted*, That said Librarian, for his services, shall receive, as compensation, ten cents for every grant so indexed, payable by the Treasurer of said State, upon a warrant of the Comptroller; and that said Comptroller is hereby authorized to issue his warrant for said compensation to said Librarian, in part, or in whole, on said Librarian presenting his Index complete, or for so much of his compensation as called for by the numbers of said Index; and that the cost of material and binding the book or books containing said Index, shall be paid by the State.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 13, 1866.

CHAPTER XXX.

AN ACT to Incorporate certain Petroleum and Mining Companies, hereinafter specified and named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each of the following companies, by their respective names, shall have succession for ninety-nine years, and shall be capable of contracting and being contracted with, of suing and being sued, in all the courts; and shall be invested with all the rights, powers and privileges, heretofore granted to the "Cumberland Basin Petroleum and Mining Company," and subject to like limitations and restrictions.

Rights, powers, etc.

Overton Oil & Mining Co. SEC. 2. *Be it further enacted*, That William Gibson, his associates, successors and assigns, be, and are hereby constituted, a body corporate and politic, by the

name and style of the "Overton Oil and Mining Company."

SEC. 3. *Be it further enacted*, That Henry Eastman, P. R. Winters, and their associates, successors and assigns, be, and they are hereby created, a body corporate and politic, by the name and style of the Co. ^{Tahoma Mining and Petr.,}
 "Tahoma Mining and Petroleum Company."

SEC. 4. *Be it further enacted*, That J. M. McIntire, W. E. Beck, L. S. Beck, J. S. Dickl, their associates, ^{Mitchell's Crk and Obed's} successors and assigns, be, and they are hereby created, a body corporate and politic, by the name and style of ^{River Petr.,} Oil and Min'g Co.
 "The Mitchell's Creek and Obed's River, Petroleum, Oil and Mining Company."

SEC. 5. *Be it further enacted*, That Charles H. Howard, J. S. Dickl, E. H. E. Jamison, George Abbott, and T. P. Perkins, be, and the same are hereby created, ^{Jackson Co.} a body politic and corporate, by the name of the Petr., Oil and "Jackson County, Tennessee, Petroleum, Oil and Min'g Co. Mining Company."

SEC. 6. *Be it further enacted*, That James Giddings, James H. Weeden, Thomas Hill, G. P. Westcott, Sr., William Littleboy, Austin Dall, C. H. Mills, and L. W. Worthington, their associates, successors and assigns, be, and they are hereby created a body ^{Mineral and} politic and corporate, by the name and style of the ^{Rock Oil Co.}
 "Mineral and Rock Oil Company."

SEC. 7. *Be it further enacted*, That J. M. Winstead, James J. Burch, George F. Eaton, Edward H. Faulks, their associates, successors and assigns, ^{Duck River} are hereby created a body corporate and politic, by the ^{Oil and Min'g} name of the "Duck River Oil and Mining Company." Co.

SEC. 8. *Be it further enacted*, That Samuel Tate, W. R. Cunningham, H. H. Irvine, Moses J. Wicks and W. R. Hunt, their associates, successors and assigns, be, and they are hereby, created a body corporate, by the name and style of "The Memphis Mining ^{Memphis} and Manufacturing Company." ^{Min'g and Manuf' Co.}

SEC. 9. *Be it further enacted*, That C. W. Wright, John H. Sullivan, Samuel Graham, Charles N. Turner and J. T. Sullivan, their associates, successors and assigns, be, and they are created, a body corporate and ^{Tenn. River} politic, by the name and style of the "Tennessee River ^{Val'y Min'g} and Petr. Co. Valley Mining and Petroleum Company."

SEC. 10. *Be it further enacted*, That James Giddings, James H. Weeden, Thomas Hill, G. B. Westcott, Sr., William Littleboy, Austin Dall, C. H. Wills, ^{Polk Co. and} S. W. Worthington and James Parks, their associates, ^{Caney Fork} and Land Co.
 "Polk Co. and Caney Fork Petrol'm Oil and Land Co."

successors and assigns, be, and they are hereby, constituted a body corporate and politic, by the name and style of "The Polk County and Caney Fork Petroleum, Oil and Land Company."

Jasper Min'g and Manuf'g Company. SEC. 11. *Be it further enacted*, That A. A. Hyde, James B. Raulston, John W. Babson, Joseph G. Lancaster, W. C. Buffington, Thomas B. McElwee, William Bryan and their associates, successors and assigns, be, and they are hereby, created a body corporate and politic, by the name and style of "The Jasper Mining and Manufacturing Company."

Port Royal Petroleum and Min'g Co. SEC. 12. *Be it further enacted*, That L. Griff, George W. Layeree, T. H. Hyman, L. Straus, John M. Myers, John Lyntch, Joseph Lieber, Samuel Wertheimer, Mace Lieber, L. Friedman, D. Friedman and J. W. Roberts, their associates, successors and assigns, be, and they are hereby, created a body corporate and politic, by the name and style of "The Port Royal Petroleum and Mining Company."

Caledonia Oil and Min'g Co. SEC. 13. *Be it further enacted*, That Angus P. Macdonald, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of the "Caledonia Oil and Mining Company."

Sewanee Oil and Min'g Co. SEC. 14. *Be it further enacted*, That Nelson Cross, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Sewanee Oil and Mining Company."

American Oil and Min'g Co. SEC. 15. *Be it further enacted*, That John P. Jones, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The American Oil and Mining Company."

Little Eagle Oil and Min'g Company. SEC. 16. *Be it further enacted*, That John H. Rankin, his associates, successors and assigns, be, and are hereby, constituted a body politic and corporate, by the name and style of "The Little Eagle Oil and Mining Company."

Devonian Oil and Min'g Co. SEC. 17. *Be it further enacted*, That Richard E. Cross, his associates, successors and assigns, be, and are hereby, constituted a body politic and corporate, by the name and style of "The Devonian Oil and Mining Company."

Indian Creek Oil and Min'g Company. SEC. 18. *Be it further enacted*, That Amos A. Wright, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic,

by the name and style of "The Indian Creek Oil and Mining Company."

SEC. 19. *Be it further enacted*, That James W. Paramore, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Double Top Oil and Mining Company."

SEC. 20. *Be it further enacted*, That Charles N. Mellow, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Lost River Oil and Mining Company."

SEC. 21. *Be it further enacted*, That Miles Joy, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Mitchell's Creek Oil and Mining Company."

SEC. 22. *Be it further enacted*, That Oliver T. Burt, his associates, successors and assigns, be, and are hereby, constituted a body corporate, by the name and style of "The Syracuse Oil and Mining Company."

SEC. 23. *Be it further enacted*, That Reuben H. Stephenson, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Wolf River Oil and Mining Company."

SEC. 24. *Be it further enacted*, That S. P. Gilbert, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Cherokee Oil and Mining Company."

SEC. 25. *Be it further enacted*, That Frank S. Somers, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Three Forks Oil and Mining Company."

SEC. 26. *Be it further enacted*, That Charles S. Cowan, his successors, associates and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Walden Ridge Oil and Mining Company."

SEC. 27. *Be it further enacted*, That J. Dwight Palmer, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Ohio City Oil and Mining Company."

SEC. 28. *Be it further enacted*, That Lewis M.

Long Island
Oil and Min-
ing Co.

Peck, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Long Island Oil and Mining Company."

Cedar Grove
Oil and Min-
ing Co.

SEC. 29. *Be it further enacted*, That Charles W. Freeland, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Cedar Grove Oil and Mining Company."

Cayuga Oil
and Min'g Co.

SEC. 30. *Be it further enacted*, That R. M. N. Taylor, his associates, successors and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of "The Cayuga Oil and Mining Company."

Taxes.

SEC. 31. *Be it further enacted*, That the foregoing incorporations shall be subject to such taxes as the Legislature shall see fit to impose, from time to time.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 13, 1866.

CHAPTER XXXI.

AN ACT to Incorporate the Town of Bartlett, in the county of Shelby

Election of
town officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriff of Shelby County, after ten days' previous notice, shall, by himself or one of his deputies, hold an election in the Town of Bartlett, on the first day of May, 1866, on the same day in each and every succeeding year, for the purpose of electing five persons to serve as Aldermen, and one person for Mayor, and one other person for Town Constable; also, one for additional Magistrate for the corporation of said town of Bartlett, for one year, except the Magistrate, who shall be commissioned as other magistrates are, commencing on the first Monday next succeeding their election; and all persons living within the limits of said corporation who would be qualified

to vote for members of the General Assembly, and persons owning a freehold in the bounds of said corporation, shall be entitled to vote for Mayor, Aldermen, Town Constable and Magistrate for said town; and no person shall be eligible for the office of Mayor, Town Constable or Alderman, unless he be a citizen or a freeholder or householder in said town of Bartlett; and in case of death, removal or resignation of any one of the officers of said corporation, the said Mayor and Aldermen shall have power to fill such vacancies for the time unexpired.

SEC. 2. *Be it further enacted*, That the several persons so qualified as aforesaid having the highest number of votes at any election held, shall be taken as duly elected, and the Sheriff or deputy holding the election as aforesaid, shall, within three days' thereafter, give to each of the five Aldermen, Mayor, Town Constable and the aforesaid Magistrate, a certificate of their election; and it shall be the duty of the persons so elected to meet at the town of Bartlett on the next Monday succeeding after the election, and after having been qualified; the Mayor and Aldermen—three of whom shall constitute a quorum—shall proceed to elect a Recorder for said corporation, for the same time for which the Mayor and Aldermen were elected as aforesaid; and the person or persons appointed by them shall serve until the first Monday in January next succeeding.

SEC. 3. *Be it further enacted*, That the Mayor and Aldermen of said town of Bartlett, shall, before entering upon the duties of their offices, take an oath before some Justice of the Peace for Shelby County, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

SEC. 4. *Be it further enacted*, That the Town Constable so elected by said votes, shall continue in office twelve months from the time of his appointment, and shall, before entering upon the duties of his office, give bond and security to the Mayor for the time being, for the faithful discharge of the duties of his appointment, and accounting for all moneys by him collected.

SEC. 5. *Be it further enacted*, That when any tax or any duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner of said lots

Vacancies.

Certificate of election.

Recorder.

Oath of office.

Constable to give bond.

How to proceed against delinquent tax-payers.

Same.

or other real estate within the bounds of said corporation, upon which the same could be levied, then it shall be the duty of the Recorder to certify the same to the Circuit Court of Shelby County at the same time to which the Sheriff of said County is required to report lands in his county, on which the State and County Tax has not been paid; and upon said report at same term, it shall be the duty of said Circuit Court to enter up judgment for the tax due said corporation in same manner that judgments are required to be entered for the non-payment of the taxes due the State and County upon lands lying within the county; and the same shall be sold at same time and in same manner, and subject to the same rules and regulations and restrictions that are by law required for the sale of lands lying within said county, in which the State and County Tax has not been paid; which tax, when collected by the Sheriff, shall be paid by him into the hands of the Town Constable for the use of said corporation; which sale, when in the manner aforesaid made, shall vest the same right and title in the purchaser, as if the sale had been made for the tax due the State.

Judges of election.

SEC. 6. *Be it further enacted*, That the Sheriff of Shelby County shall, previous to holding an election for Mayor and Aldermen and Town Constable, also, for the aforesaid Magistrate, as provided in the second section of this Act, appoint three respectable citizens in the town of Bartlett, who shall act as judges of said election, one of whom shall act as clerk of said election.

Failure to hold election.

SEC. 7. *Be it further enacted*, That if any Sheriff should fail or neglect to hold an election for said officers on the first Monday in May in each and every year, he may at any time thereafter, open and hold an election for the aforesaid officers, by first giving ten days' previous notice of said election, for the balance of the unexpired year.

Corporate limits.

SEC. 8. *Be it further enacted*, That the corporate limits of said Town of Bartlett shall be as follows: beginning at the East end of the bridge over "Bartlett's Spring Branch," in the centre of the Memphis and Somerville Plank Road; thence South twenty-four chains; thence East, crossing the Memphis and Ohio Railroad, eighty chains; thence North, crossing said plank road, eighty chains; thence West, crossing said railroad, eighty chains; thence South, thirty-six chains, to the beginning.

SEC. 9. *Be it further enacted*, That the Constable shall pay over, monthly, to the Recorder, all sums of money collected by him for said corporation, and the Recorder shall tender, semi-annually, on the last Saturday, in June, and the last Saturday in December in each year, and as much oftener as the Board of Mayor and Aldermen shall require, a full and complete statement of the finances under his control; and that the Recorder shall exhibit to the Board, semi-annually, on the last Saturday in June and December, in every year, a full and complete statement of the condition of the finances of said corporation; he shall also, within thirty days from the time of assessing the taxes of said corporation, deliver to the Town Constable, a tax list, which shall be the authority for the said Constable for collecting the taxes therein specified; and the Recorder shall preserve a copy of the said tax list among the papers of said corporation. No money shall be paid out except by the Recorder, and in no instance shall the Recorder do so, except upon the order of the Mayor, made in the presence of the Directors of the Board of Aldermen. At the expiration of his term of office, the Recorder shall deliver to his successor, all books and papers, and take his receipt for the same. Finances.
Same.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 13, 1866.

CHAPTER XXXII.

AN ACT Extending the corporate limits of the town of Brownsville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Brownsville, Haywood County, be, and the same are hereby enlarged and extended, so that said ex-

Boundary.

tension shall run thirteen hundred and twenty yards, (1320) east from the Court house of said town; thirteen hundred and twenty (1320) yards, west; thirteen hundred and twenty (1320) yards north; and thirteen hundred and twenty (1320) south; the same being an exact square of twenty-six hundred and forty yards, the Court house being in the centre.

Taxes.

SEC. 2. *Be it further enacted*, That a majority of the Board of Aldermen of the town of Brownsville, shall have power, and authority is hereby given them, to levy such taxes within the corporate limits of said town, and issue such corporate bonds, as will, in their judgment, be sufficient to meet and satisfy the expenses in protecting and carrying on the various improvements which they may, from time to time, deem needful and useful to said town.

SEC. 3. *Be it further enacted*, That all laws or parts of laws, in conflict with this Act, be, and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 14, 1866.

CHAPTER XXXIII.

AN ACT to Incorporate the Memphis Dry Dock Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis Dry Dock is hereby incorporated under the corporate name of the "Memphis Dry Dock Company," with power to sue and be sued; to hold, acquire and dispose of real and personal property, and to receive and give mortgages on trust deeds upon every species of property; and to do all acts necessary to a successful prosecution of the

Powers.

business of building and repairing steamboats, and all other water crafts, and such other business as companies of a like character are in the habit of doing. The principal point of business of said company shall be at or near Memphis, on the Mississippi River; and the corporate powers hereby conferred shall continue for the period of thirty years from the organization of the company.

SEC. 2. *Be it further enacted*, That A. J. White, Jesse W. Page, John Jones, Samuel W. Morton and Stock Books, H. T. Lamberson, any three of whom may act, be appointed and authorized to open books for subscription of stock to said company; that the shares of stock shall be fixed at one hundred dollars each; that the capital stock shall not be less than fifty thousand dollars, and not exceeding two hundred thousand dollars; that when twenty shares of stock shall have been subscribed, said commissioners shall, after giving twenty days' notice in some newspaper of Memphis, proceed to organize said company by the election of a Board of Directors, consisting of five directors, who shall, forthwith, choose a President, Secretary, Treasurer and Superintendent of the affairs of the company.

SEC. 3. *Be it further enacted*, That the Board of Directors shall have power to pass all by-laws necessary Government. for the general welfare and successful prosecution of the affairs of the company, such as fixing the period for regular meetings of the directors, providing for called meetings, for salaries of officers and their qualifications and duties, and all other matters falling within the scope of the business of the company.

SEC. 4. *Be it further enacted*, That said company Dock. shall have power to change its docks temporarily, when necessary to save from loss or injury any boat or craft, and place them at such point as the exigency of the case may demand.

SEC. 5. *Be it further enacted*, That J. E. Merriman, Wm. Hunter, Wm. J. Smith, James A. Swaine, John Donivan, J. J. Sears, P. G. Marsh, Joseph Pinem, C. C. Merriman, W. C. Bird, Robert Wilcox, Joseph Gothard and Charles A. Smith, and their associates, Memphis Real Estate and Building Co. successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Memphis Real Estate and Building Company," and by that name and style, shall have succession for ninety-nine years, and shall be competent to sue and be sued in any courts of law or equity; to

have and use a common seal, and alter the same at pleasure; to establish and change any by-laws for the government of said company; to purchase, lease, hold, sell, assign and re-lease all real and personal estate by deed in fee-simple, trust, mortgage, lien or pledge of any kind; to build and contract for the building and erection of all kinds and description of houses, tenements, buildings and other improvements of real estate held by said company, or any other persons; to bid, propose, contract for, and erect all manner of public improvements, grading, excavation, masonry, bridges, etc.; to manufacture all such materials and implements as may be used in carrying on the business of said company; and to have all other powers needful and proper for the successful prosecution of the business, and other rights and privileges incident to corporations, except to engage in banking; *Provided*, nothing in this section shall be so construed as granting said incorporators power to sell, lease or hold any real or personal estate for any other purpose than that of improving the same within the limits or suburbs of the City of Memphis, and said company shall not act as real estate agents other than above specified.

Organisation. SEC. 6. *Be it further enacted*, That said corporation may organize said company at any meeting called for the purpose, at which three-fourths of the corporators herein named shall have been present, and may then and there elect permanent officers of said company, who shall serve for one year from the day of election, and until their successors are elected and qualified; that the officers of said company shall consist of a President and six Directors, one of whom shall be elected as Vice President, one Recording and one Corresponding Secretary, one Treasurer, and whenever in the opinion of the President and Directors the business or interest of the company may require it, one Architect and an Attorney, who shall be nominated by the President, and elected by the regular meeting of the Board of Directors, and shall hold their office for one year, unless sooner removed by the Board.

Salaries of officers. SEC. 7. *Be it further enacted*, That the compensation of the directors shall be fixed by the stockholders at each annual meeting thereof, and that the compensation of the President, Secretary, Treasurer, Architect, Attorney and Vice President, shall be fixed by the directors, and shall not be diminished during their continuance in office.

SEC. 8. *Be it further enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, and that a majority of the Board of Directors shall have power to increase the same from time to time, as the wants of the company may require. Capital Stock

SEC. 9. *Be it further enacted*, That the capital stock of said company shall be divided into five hundred thousand shares of fifty dollars each, twenty per cent. of which shall be subscribed before any election shall be held for officers of said company, and ten per cent. thereon paid in to the Treasurer before the said company shall have power to make any purchase or contract of any kind, except for such expenses as may be necessarily incurred in effecting the organization. Same.

SEC. 10. *Be it further enacted*, That the Treasurer and such other officers as may be required, shall execute bond with such security and in such amount as may be fixed by the directors, and in default thereof, within thirty days from their appointment or election, any such officer may be removed from office; provided that no officer shall be removed for any cause unless upon written charges filed with the President at least ten days before trial, and by a two-third vote of the directors. Officers to give bond.

SEC. 11. *Be it further enacted*, That all subscription for stock made or tendered, shall be received or rejected, and the shares or certificates therefor either issued or refused, at the discretion of the corporation, or the President and Directors. Stock.

SEC. 12. *Be it further enacted*, That this corporation shall be subject to such taxes as may be imposed upon similar corporations in this State. Taxes.

SEC. 13. *Be it further enacted*, That no one person shall be at any one time, the owner of more shares than shall amount to ten per cent. on the capital stock, and no assignment or transfer of stock shall be made until it has been first offered for sale to the directors, and no assignment of stock shall be made unless with the consent of the directors at a regular meeting, endorsed on the certificate, and signed by the President and Secretary of said company. Transfer of Stock.

SEC. 14. *Be it further enacted*, That Doyd Pearsons, W. M. James, D. G. James, J. C. Merriman, W. C. Bird, C. C. Merriman and Robert Wilcox, and those who are at present stockholders in said corporation, are hereby created a body politic and corporate, under the name and style of the "Woolf River Pike Company," Woolf River Pike Co.

Powers and by that name and style, shall have succession for fifty years; may sue and be sued, plead and be impleaded, and may make such by-laws and regulations as shall be necessary to carry out the powers herein granted.

Bridge and Levee. SEC. 15. *Be it further enacted*, That said Pike Company shall have the power to build the bridges, and repair the levee across Woolf River bottom, near the town of Raleigh, Shelby County, on the Memphis and Raleigh road. The said levee shall be graded and thrown up above high water, and sufficiently wide to admit wagons to pass each other, with good and sufficient bridges across the main stream and sloughs.

Right to use. SEC. 16. *Be it further enacted*, That said company shall have the right to take and use any dirt, stone or gravel within the distance of thirty-five feet on each side from the centre of the road, for the construction and repairing of the same.

By-laws, etc. SEC. 17. *Be it further enacted*, That the said company shall provide by-laws, to be made by a majority of stockholders, and entered in a book to be kept by them as a record of their proceedings on the annual election of a President, and such other officers as they may deem necessary and proper to conduct the business of the company. The President and officers shall continue in office until their successors are elected and qualified. They shall enact such rules and regulations as may be necessary for the keeping up and government of said company.

Ann'l elect'n. SEC. 18. *Be it further enacted*, That the election for President and other officers shall be held on the first Monday in December, or as soon thereafter as practicable, when they shall be qualified, and go into office.

Called meet'g SEC. 19. *Be it further enacted*, That the President shall have power, by giving sufficient notice to the stockholders, to call a meeting of the same at any time or place that he may deem necessary; *Provided*, that this shall not supersede the necessity of an annual meeting on the first Monday in December.

Quorum. SEC. 20. *Be it further enacted*, That to constitute a quorum at any meeting, a majority of shares shall be represented in person, or by proxy, appointed by written authority.

Tolls. SEC. 21. *Be it further enacted*, That the said company shall be authorized to demand and collect the following tolls from all persons passing on said road, to-wit: two cents per head on hogs, sheep, goats and cattle; five

cents per head for horses and mules in a drove; for each vehicle drawn by one horse, mule or ox, twenty-five cents; for each vehicle drawn by two horses, mules or oxen, thirty-five cents; for each vehicle drawn by three horses, mules or oxen, fifty cents; for each vehicle drawn by four horses, mules or oxen, sixty cents; for each vehicle drawn by five or six horses, mules or oxen, seventy-five cents; for each horseman ten cents; for each footman five cents.

SEC. 22. *Be it further enacted*, That said company shall complete the bridges across the main stream, within twelve months from and after the passage of this Act, and the entire levee and all the bridges within eighteen months from and after the date of the same; and said company shall have the power to erect a gate and collect tolls as soon as the bridge across the main stream is completed. Time to complete bridge and levee.

SEC. 23. *Be it further enacted*, That if any person forcibly or secretly pass said gate without paying toll, or go around said gate after traveling on said road, to avoid paying toll, such person so offending, shall be liable to an action before any Justice of the Peace for the amount of the toll, and shall also forfeit and pay five dollars for every such offense to said company, to be recovered by action of debt before any Justice of the Peace, and both the forfeiture and toll may be sued for in the same warrant. Evading payment of toll.

SEC. 24. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars. Capital Stock.

SEC. 25. *Be it further enacted*, That the President shall, semi-annually, or oftener, declare and make such dividends of net profits from the tolls herein granted to the proprietors of the stock of said company, in proportion to their respective shares. Dividend.

SEC. 26. *Be it further enacted*, That the stock of said company shall be deemed personal property; and any stockholder may transfer his stock, in whole or in part, by a written assignment on the books of the company, which books shall always be open to the inspection of any citizen, and said stock shall be subject to levy and sale as other personal property. Stock personal property.

SEC. 27. *Be it further enacted*, That this Act shall take effect from and after its passage.

WM. HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed December 15, 1866.

CHAPTER XXXIV.

AN ACT to Incorporate the Kentucky and Tennessee Oil, Salt, Mining and Manufacturing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That W. G. Wade, F. D. Wade, W. Wright, W. Duncan, L. H. Allen, J. Peacock, J. S. Boreham, T. McKinley, H. D. Wade, Geo. Knapp and J. F. Lanck, their associates and successors, with succession for thirty-three years, by the name and style of "The Kentucky and Tennessee Oil, Salt, Mining and Manufacturing Company," and by that name, may sue and be sued, plead and be impleaded in all courts and places; contract and be contracted with, in all matters pertaining to the business and objects of the corporation, and any and all acts which a corporation may or can do, in fulfillment of its charter and the object and ends of its organization; may have a common seal, which may be changed or altered at the pleasure of the company.

Powers.

Objects.

SEC. 2. *Be it further enacted*, That the object and purposes of the corporation shall be, the mining for coal, iron, petroleum, carbon or rock oil, and any and all other minerals, or mineral substances, the direct products of the earth, or any or all of them, and the manufacturing and refining of any or all of them, and the transportation to market, of the same.

SEC. 3. *Be it further enacted*, That the capital stock of the company shall be one million dollars, to be increased by a vote of the stockholders of said company, to any sum not exceeding five millions of dollars, to be divided into shares of fifty dollars each, which shall be personal property, and assignable on the books of said company, in such a manner as may be prescribed by its by-laws. Lands and other real estate, mines, mineral rights and interests therein, may be described as a part of the whole of said stock, and upon such terms as may be agreed upon by the subscribers and the company, and in pursuance of the laws for the sale and conveyance of real estate.

Management.

SEC. 4. *Be it further enacted*, That the stock, property, and general prudential affairs of said company, shall be managed by a Board, of not less than three, nor more than seven Directors, to be chosen by the

stockholders for one year, a majority in interest being necessary to a change, and each share of stock shall count one vote; *Provided*, the Directors first chosen shall hold their offices for the remainder of the current year, and until their successors are elected; and *pro-^{Provisos.}vided* a President of the Board shall be elected for the same time, by the Directors, from among themselves or the stockholders. The President and Directors shall be stockholders of the company, and they may appoint such other officers and employes as they may deem proper. A majority of the Directors shall constitute a quorum to transact business.

SEC. 5. *Be it further enacted*, That the company shall keep a book which shall be always kept open to the inspection of each stockholder. In it shall be kept the names and amount of stock held; and the amount of each stockholder, and the amount paid in. Also, a book in which shall be recorded, a full and faithful account of the proceedings, rules and by-laws, and acts of said company; except accounts and contracts with individuals. ^{Stock book.}

SEC. 6. *Be it further enacted*, That the President and Directors may make such by-laws, rules and regulations, and alter or amend the same as they may deem proper, consistent with this charter, and not inconsistent with the laws of this State, or those of the United States—prescribing the times, places, and manner of holding elections, the transferring of stocks, the enforcement of payment thereof, the forfeiture for non-payment, the time and manner of payment; the duties and authority of officers, agents and employes, mode of filling vacancies, the character, kind and amount of business, and any and all such as may be necessary for the proper, prudential and effective management of the property and business of said company, and to effect the object and intent of this Act. ^{Government.}

SEC. 7. *Be it further enacted*, That the company shall have power to take, acquire and hold, such lands, mines and mining rights, as they deem necessary for the uses of said company, not exceeding one hundred thousand acres, and also, to contract for the right of way for any and all necessary roads and railroads, and with the same with any others, on such terms as may be agreed upon, or to carry the same to any navigable stream; and to have such yards, wharves, boats and floats as may be necessary, and all personal property required to conduct the business of the company; and ^{Rights and Powers.}

to dispose of any or all of the same for the use of the company or its stockholders.

Taxes.

SEC. 8. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed by future legislation; and that this Act shall take effect from and after its passage.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed January 25, 1867.

CHAPTER XXXV.

AN ACT to Incorporate Peace College, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That P. S. Fall, James Metcalf, James C. Owen, O. F. Craig, David Hamilton, David Lipscombe, John W. Richardson, T. Fanning, and John Hill, or a majority of them, and their successors, be, and they are hereby made and constituted a body corporate, in fact and in name, with succession for ninety-nine years, under the style and title of "The Trustees of Peace College," and by that name shall be, and are hereby made able and capable, in law, to have, hold, receive, purchase, possess and enjoy, to them and their successors, such real estate as may be necessary and proper, not exceeding four hundred acres, and all personal property of whatever kind or amount, which may be necessary and proper, to carry the objects of said corporation into full force and effect; and may sell, grant and convey, or otherwise dispose of the same, and may sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts having competent jurisdiction; may have and use a common seal, and break, alter and amend the same at pleasure; and do all other acts incident to a body corporate and politic.

SEC. 2. *Be it further enacted*, That the object of said

corporation is, and shall be, to establish and conduct in Middle Tennessee, a College, or Institution of learning, for the education of boys and young men, in which the studies shall embrace as full a course in the English language, and English branches of learning, the Latin and Greek languages, Mathematics, Natural, Intellectual and Moral Science, and all that may be considered by the Trustees and Faculty necessary to a complete education, as any other American Institution. In addition to the ordinary College Course, there may be a department of the Oriental Languages, and Literature of modern languages, and of scientific and practical Agriculture, embracing Natural History, Chemistry, Analysis and Improvement of soils, Analysis of vegetables, grains and grasses, planting and tillage of crops, building, rearing and use of farm stock, and domestic economy generally. While no creed in religion shall have preference, in any department of the Institution, it shall be the duty of all the teachers, to inculcate the morality of the Bible, and especially the doctrine of the New Testament, free from all human opinions and authority.

SEC. 3. *Be it further enacted*, That the corporation shall have, possess and use the property, real and personal, of Franklin College, and collect what may yet be due upon subscription or otherwise, to said Institution, as a part of the means of Peace College; and may by subscriptions in stock, donations or otherwise, increase the funds to any amount, necessary for carrying out the purposes of the corporation. Property of Franklin College.

SEC. 4. *Be it further enacted*, That so soon as the requisite funds shall be secured for the purchase of lands, erection of buildings, and making the requisite improvements, collection of Libraries, Cabinet and Apparatus, for the endowment of professorships and the chairs of teachers, and an adequate fund for contingent expenses, tuition shall be free in all departments in the Institution. Funds, Tuition, etc.

SEC. 5. *Be it further enacted*, That Trustees in connection with the Faculty, may enact alter and amend such a system of regulations and by-laws, not inconsistent with the laws of this State or United States, as they may deem requisite for conducting the school. By-laws.

SEC. 6. *Be it further enacted*, That the Trustees shall elect successors, and all Professors and Teachers in the various departments, and their decisions in all controversies between teachers, or regulating discipline Powers of Trustees, etc.

of students, shall be final; to them may appeal of students from the decision of the Faculty, be made. The President of the Faculty, or presiding officer of the College, shall be, *ex officio*, President of the Board of Trustees.

Same.

SEC. 7. *Be it further enacted*, That the Trustees, by the recommendation of the Faculty, may confer upon students such literary honors and degrees, as are usual in the best American Colleges or Universities; shall have full authority to confer honorary degrees and titles; and they may locate the College at any point in Middle Tennessee, which they may deem most advantageous for the purpose contemplated; and do all things which is requisite and proper, for the physical, intellectual and moral improvement of the youth of the country.

Oak Dale Academy.

SEC. 8. *Be it further enacted*, That there is hereby incorporated an Institution of Learning, known as "Oak Dale Academy," to be situated in Knox County, in the 8th civil district of said county, with all the rights, powers and privileges, as are now granted to the Moorsville Male and Female Academy, incorporated the 14th day of December, 1865; and that John Lemuel, Robert Woods, A. Bishop, William Lewis and Calvin Woods, are hereby appointed Trustees of said Academy.

Odd Fellows Hall Assoc'n of Nashville.

SEC. 9. *Be it further enacted*, That John F. Hyde, David C. Love, Charles B. Hall, E. D. Farnsworth, T. C. Coleman, J. T. Phillips, George Seferlie, Charles Kircher, F. Klootz, and their associates and assigns, be, and are hereby constituted a corporation and body politic, under the corporate name and style of "The Odd-Fellows' Hall Association, of Nashville;" said corporation shall have succession for ninety-nine years; and shall have power to raise by subscription of stock, the necessary funds, and to erect an Odd Fellows' Hall in the City of Nashville; and the said corporation shall have further such powers, and be subject to such obligations and restrictions as are provided by law in Art. 4, chap. 2, title 9, part 1, of the Code of Tennessee, as governing private corporations.

J. S. MULLOY,

Speaker pro tem of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed January 30, 1867.

CHAPTER XXXVI.

AN ACT to Charter a Bank of Discount and Deposit at Cleveland, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That H. B. Davis and Thomas H. Calloway, shall open books for subscription, and they and their associates, successors and assigns, shall be, and they are hereby, constituted a body politic and corporate, and by the name of "Cleveland Exchange and Deposit Bank," shall have succession, and a common seal, for a period of twenty years from and after the first day of January, 1867, and as such, may sue and be sued, plead and be impleaded, and have and possess all the powers incident to a corporation, and necessary and proper to carry on the business, and effect the objects contemplated by this Act, but subject in the exercise of the powers herein conferred, to such public and general statutes, so far as the same may be applicable to this Act, as may be enacted hereafter in regard to banks, banking and brokers. Powers.

SEC. 2. *Be it further enacted,* That the capital shall not exceed five hundred thousand dollars, to be divided into shares of fifty dollars each, and transferable on the books of the company, as the by-laws may prescribe. Capital.

SEC. 3. *Be it further enacted,* That said corporation may deal in gold and silver coin and bullion, public and private securities; buy and sell any description of negotiable paper; buy and sell exchange, current and uncurrent bank bills, borrow and loan money or currency; discount notes or other evidences of debt, receive and keep deposits upon such terms as may be agreed on by the parties; *Provided,* said corporation does not charge for the discount of any such evidence of debt, more than the rate of interest allowed by law. And *provided further,* the said corporation shall not pay out for circulation, currency which is or may be forbidden by law, to circulate within the State. Privileges, etc.

SEC. 4. *Be it further enacted,* That the corporation shall, in no event, issue bills to circulate as currency, nor shall its discounts at any time, exceed the amount of capital actually paid in, and two-thirds of its deposits. Currency.

SEC. 5. *Be it further enacted,* That said corporation may transact its business through such officers, Government.

agents and agencies as it may choose to appoint, at Cleveland, Tennessee, and prescribe such by-laws for its government as the stockholders may deem necessary and proper for that purpose.

Liability.

SEC. 6. *Be it further enacted*, That in the event of the insolvency of said corporation, the individual stockholders therein, shall be liable for all its unsatisfied debts.

Taxes.

SEC. 7. *Be it further enacted*, That in consideration of its franchise, said corporation shall pay into the public treasury such tax as may be levied on similar incorporations in this State.

Forfeiture of
Charter.

SEC. 8. *Be it further enacted*, That for the violation of any of the provisions of this charter, the same may be declared null and void by judgment of any competent court, regularly obtained in due course of law; *Provided*, that no judgments of forfeiture shall operate so as to prevent said corporation from collecting its debts and closing its business.

SEC. 9. *Be it further enacted*, That nothing in this Act shall be so construed as to permit said bank to pay out any money or loans except National currency or coin.

Germania
Banking Co.

SEC. 10. *Be it further enacted*, That Montz Rosentstock, Joseph A. Grovoner, Nathan Coronna, John H. Frerichs, and their associates and successors, be, and the same are hereby, incorporated a body politic, under the name and style of the "Germania Banking Company," with all the rights and privileges of the Gayoso Savings Institution of Memphis, Tennessee, passed February 29, 1856, for a period of thirty years.

Deposit of
Bonds.

SEC. 11. *Be it further enacted*, That all laws or parts of laws now in existence in this State, requiring insurance companies before commencing business, to deposit twenty thousand dollars in bonds of the State, or United States, with the Comptroller of the State, be, and the same are hereby repealed.

John Frierson.

SEC. 12. *Be it further enacted*, That section 31, of an Act passed May 24, 1866, be, and is hereby, so amended as to insert in the list of incorporation of the Maury County Savings' Institution, the name of John Frierson; and that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 4, 1867.

CHAPTER XXXVII.

AN ACT to Charter a Bank of Discount and Deposit at Cleveland, Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Julius E. Raht, Jacob Lang and John Tonkin, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Cleveland Bank of Discount and Deposit," and by that name shall have succession, sue and be sued, plead and be impleaded; and generally to do every act and thing necessary to carry out the provisions of this Act, and to promote the objects and designs of this corporation, for the space of twenty years, from and after the first day of January, 1867, and may have a common seal. Rights.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and when two hundred shares shall have been subscribed, and the sum of five dollars per share paid thereon, the stockholders may meet and elect five Directors, who shall, when elected, enter upon their duties; and said Directors shall elect one of their number President of said corporation. Capital stock.

SEC. 3. *Be it further enacted,* That said corporation may deal in gold and silver coin and bullion, public and private securities, buy and sell any description of negotiable paper, buy and sell exchange, current and uncurrent bank bills, borrow and loan money or currency, discount notes and other evidences of debt, receive and keep deposits upon such terms as may be agreed on by the parties; *Provided,* said corporation does not charge for the discount of any such evidence of debt, more than the rate of interest allowed by law, and the current rate of exchange; and *provided further,* the said corporation shall not pay out for circulation, currency which is, or may be forbidden by law to circulate within the State. Privileges.

SEC. 4. *Be it further enacted,* That said corporation shall, in no event, issue bills to circulate as currency. Currency.

SEC. 5. *Be it further enacted,* That said corporation

may transact its business through such officers, agents and agencies, as it may choose to appoint, at Cleveland, Tennessee, and prescribe such by-laws for its government, as the stockholders may deem necessary and proper for that purpose.

Liability. SEC. 6. *Be it further enacted,* That in the event of the insolvency of said corporation, the individual stockholders therein shall be liable for all of its unsatisfied debts.

Tax. SEC. 7. *Be it further enacted,* That in consideration of the said franchise, said corporation shall pay into the public treasury, for the use and benefit of common schools, an annual tax of one-half of one per cent., and such other tax as may be assessed hereafter by the Legislature on similar institutions, for its capital stock, paid in.

Forfeiture of Charter. SEC. 8. *Be it further enacted,* That for the violation of any of the provisions of this charter, the same may be declared null and void by judgment of any competent court regularly obtained in due course of law; *Provided,* That no judgments of forfeiture shall operate so as to prevent said corporation from collecting its debts, and closing its business; and that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 4, 1867.

CHAPTER XXXVIII.

AN ACT to Incorporate the Memphis Bulletin Publishing Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Peter B. Wills, Lewis J. Dupre, Thomas N. Halpin, Robert A. Thompson, John G. Dupre, Joseph E. Dupre, J. W. Youngblood, David M. Philips, William C. McClure, Cyrus J. Ward, and their associates, successors and assigns, are hereby,

created a body politic and corporate, under the name and style of the "Bulletin Publishing Company," and shall have succession for twenty years; and by that name they are hereby made capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this State or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be, and hereby are, vested with all powers, privileges and immunities, which are or may be necessary to carry into effect the powers and objects of this Act as hereinafter set forth; and the said association is hereby authorized and empowered to purchase or manufacture all necessary materials for, and to carry on, in all its varied branches and departments, the business of publishing, printing, binding, making and vending books, maps, periodicals, pamphlets, newspapers, and all other printed, painted, lithographed, photographed, mechanical and chemical matter, for the diffusion of knowledge and the promotion of the arts and sciences; and to establish all such agencies, depositories and bureaus as shall be deemed expedient by said association. And the said association is empowered to hold real, personal and mixed estate, for the necessary prosecution of their business, by purchase, gift, grant, bequest, or otherwise, and to convey the same in any manner they may deem expedient. And the said company may lease or rent real and personal estate, and erect and repair such buildings, paper mills, privileges and appurtenances as shall be deemed necessary to carry on and execute the business of said association, and make their property serviceable and valuable.

privileges

Powers etc

SEC. 2. *Be it further enacted*, That the capital stock of said association shall consist of one hundred thousand dollars, and may be increased from time to time, by the Board of Directors of said association, as deemed necessary, which capital stock shall be divided into shares of one hundred dollars each.

Capital stock

SEC. 3. *Be it further enacted*, That the immediate government and direction of said association, shall be vested in the ten above named corporators, who shall constitute the first Board of Directors, and shall hold their office until others shall be duly elected as their successors, and enter upon the duties of their office, in accordance with the provisions of the by-laws of said association; and a majority of the Board of Directors shall form a quorum for doing business.

Government.

Officers.

SEC. 4. *Be it further enacted*, That the Board of Directors shall elect one of their number President of the association, and such other officers and agents as the by-laws shall require.

Voting, etc.

SEC. 5. *Be it further enacted*, That, at all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share of stock holden, subject to such general regulations as the by-laws shall provide; and no person shall be eligible to be elected to the office of Director, who does not own and hold at least one share of stock, on which has been paid at least twenty-five per cent.; and there shall never be more than thirteen members in the Directory, the number to be regulated by the by-laws. And should it, at any time, happen, that a Board of Directors shall not be elected at the time fixed by the by-laws, said association shall not, for that cause, be dissolved; but the old Board of Directors shall hold their office until their successors are elected, and enter upon the duties of their office; and should the President or any of the Directors die, resign or be removed from office, refuse to act, or in any way become incompetent to act, the Board of Directors may fill any such vacancy, so occasioned, until the next regular meeting of the stockholders for the election of officers of the association, and may, in the absence of the President and Vice President, appoint a President *pro tem*.

Failure to elect.

Vacancies, etc.

Books.

SEC. 6. *Be it further enacted*, That the Board of Directors may, from time to time, open and close the books of the association for subscriptions to the capital stock, under such general restrictions and conditions as shall be provided in the by-laws and subscription list of the association. And it shall be lawful for the Board of Directors to require payments of the sums subscribed to the capital stock, at such times and in such proportion, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; notice of such calls for payment to be in accordance with the conditions of the subscription list and the by-laws of the association.

Loans.

SEC. 7. *Be it further enacted*, That for the better promoting the business of the association, the Board of Directors, by the President or other agents duly empowered, may negotiate a loan or loans of money or credit, to the amount of their capital stock, and may pledge the credit and property, real, personal and mixed estate, and all its rights, credits and franchises,

for the payment thereof, and may execute promissory notes, bonds, mortgages, deeds of trust, and any and all forms of vouchers, at any time deemed necessary; and may prepare a sinking fund, or other means for the payment of the same; and do all other necessary and proper acts to promote the general interest of the association or company. And said Board of Directors may, from time to time, adopt and amend all necessary by-laws for the regulation of the business of the association, not in conflict with this Act, and the laws of the land, and rescind them at pleasure; *Provided*, nothing in this Act shall be so construed as to exempt from taxes, any article which is now taxed by the laws of the State; and *provided* this incorporation shall be subject to such taxes as may be imposed by law on similar incorporations in this State.

SEC. 8. *Be it further enacted*, That this Act take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 11, 1867.

CHAPTER XXXIX.

AN ACT to Incorporate the "Home Insurance Company," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Thompson, John R. Berry, Robert B. Winalow, Charles Robertson and Robert J. Thompson, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be, and are hereby constituted a body corporate and politic, by the name and style of the "Home Insurance Company," and by that name may sue and be sued, appear, prosecute and defend, in any Court of Record, or other court or place whatsoever, and to have succession for thirty years, and have and

Same.

use a common seal, and alter, break and renew the same at pleasure; may purchase and hold such personal and real estate as may be necessary to effect the object of their association, and may sell and convey the same at pleasure; *Provided*, such real estate shall not exceed in value at any one time, the sum of fifty thousand dollars, except such as may be taken for debts due the company, or as part of the guaranteed capital; may make; establish and put in execution, such by-laws, ordinances and resolutions, not being contrary to the laws of this State, or of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs, and do and execute all such acts and things as may seem necessary to carry into effect the provisions of this Act.

Provido.

Government.

SEC. 2. *Be it further enacted*, That the affairs of said company shall be managed by a Board of Directors, to consist of not less than five, nor more than fifteen members or stockholders, as may be regulated by the by-laws of said company; and said Directors shall be chosen by ballot, from among the members or stockholders of this company, and a majority of the whole Board shall constitute a quorum for the transaction of business, until said Board shall consist of more than five Directors, after which, the President and two Directors shall constitute a quorum.

Ann'l election

SEC. 3. *Be it further enacted*, That the persons named in the first section of this Act are hereby constituted a Board of Directors, to serve as such until the first annual election, and until others are chosen, which annual election shall be held on the first Monday in April of each year. Such election shall be held at the office of the company, at such hour of the day as the Directors shall, for the time being, appoint; notice of which shall be given in one of the newspapers printed nearest the principal office, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of the members or stockholders, to be appointed previous to every election by the President; and such election shall be made by a plurality of the votes of the members and stockholders, allowing each member one vote for each policy held by him, her or them, held and in force in this company; and each stockholder, one vote for each share of stock; and the Board of Directors are hereby authorized at any of their meetings, to provide a form for the appointment of proxies, and to specify the evidence that

Voting.

shall be required in execution thereof. The Board of Directors shall hold their office for one year, and until others are chosen; and vacancies occurring in the board may be filled at any of the meetings.

SEC. 4. *Be it further enacted*, That the Board of Directors shall elect a President, Vice President, Secretary and Treasurer, who shall hold their office for one year, and until others are chosen; the Board of Directors may also appoint an executive committee from among their number, and such committee, when the board is not in session, may exercise all the powers vested in this company, except when the company has, by its by-laws, otherwise provided; the Board of Directors may appoint examiners, agents, and such subordinate officers as they may deem necessary, who shall hold their offices during the pleasure of the executive committee. Officers.

SEC. 5. *Be it further enacted*, That if it shall, at any time, happen that the election of Directors shall not be held or made on a day when, in pursuance to this Act, it ought to have been held or made, this corporation shall not for this cause be deemed to be dissolved; but it shall be lawful on any other day, to hold and make an election of Directors; notice of which shall be given as herein prescribed. Failure to elect Directors.

SEC. 6. *Be it further enacted*, That the rates of insurance shall be fixed and regulated by the executive committee, and premium notes may be received from the insured, which shall be paid at such time or times, in such sum or sums, as the Directors shall, from time to time require, for the payment of the debts of the company; the executive committee may also fix the amount that each number or policy-holder shall pay at the time of making application for insurance, so electing, may pay a deposit sum of money in full for insurance, and in lieu of a premium note. Rates of Insurance.

SEC. 7. *Be it further enacted*, That if it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the losses occasioned by any fire or fires, in such cases the sufferers insured by said company shall receive toward making good their respective losses, a proportionate dividend of the whole amount of said note, according to the sum by them respectively insured, and in addition thereto, a sum to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars, by them respectively insured; and no member shall ever be re- Losses by fire, etc.

Same.

quired to pay for any loss occasioned by fire, at any time, more than fifty cents on each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than the amount of any such loss after his note shall have been paid in and expended; but any member, upon the payment of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Members.

SEC. 8. *Be it further enacted*, That all and every person or persons who shall, at any time, become interested in said company by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof, for and during the time specified in their respective policies, and no longer; and shall, at all times, be concluded and bound by the provisions of this Act.

Liability for losses.

SEC. 9. *Be it further enacted*, That the members of this company shall be, and are hereby bound and obliged, to pay their proportion of all losses and expenses happening and occurring during the time for which they are insured; and the said company shall have a lien on all buildings insured as against the insured, including the right, title and interest of the insured to the lands on which said buildings are situated, and belonging thereto, for the payment of said premium notes, or the cash notes which may have been given for the cash premiums.

Applications.

SEC. 10. *Be it further enacted*, That applications for insurance shall state all the material facts and circumstances affecting the risk.

Re-insurance.

SEC. 11. *Be it further enacted*, That it shall be lawful for this company to re-insure any risk, or any part of any risk on which they have made insurance.

Home Office.

SEC. 12. *Be it further enacted*, That the home office of this company shall be located at Nashville, but the Board of Directors may establish branch offices at other points, for the transaction of business; and whenever a majority of the members and shareholders may direct, may change the location of the home office to any other point within the State.

Certificate of President or Secretary.

SEC. 13. *Be it further enacted*, That when any action is brought for the recovery of any assessment on any premium note, or on any note given for premium to this company, the certificate of the President or Secretary, under seal of the company, stating the amount

due the company on any such note or notes, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

SEC. 14. *Be it further enacted*, That suits at law may be maintained by this company against any of its members, and suits may also be maintained by any member against the company, and in any suit between the company and any of its members, any member shall be admitted as a competent witness for and in behalf of this company. Suits at Law.

SEC. 15. *Be it further enacted*, That it shall be lawful for the Secretary of this company to appoint a deputy, which appointment shall be approved by the Board of Directors. Secretary.

SEC. 16. *Be it further enacted*, That the said company may insure against loss or damage by fire, of any building or buildings, or other property; and also against loss or damage by lightning, wind, rain or flood, tornado or any other risk that they may deem proper; to make insurance upon all description of boats and vessels, and cargo and freights thereof; and upon bottomry and respondentia interest against the perils of marine and inland navigation, and charge and receive such premiums therefor as may be agreed by and between the parties. Insurance.

SEC. 17. *Be it further enacted*, That if any alteration should be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building, shall be void, unless an additional premium deposit, after such alteration, be settled with and paid to the Directors; but no alteration or repairs in buildings not increasing such risk or hazard, shall in any wise, affect the insurance thereon. Change of property insured.

SEC. 18. *Be it further enacted*, That if any insurance on any house or building shall be, and subsist in said company, and in any other office, or from and by any other person at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the Directors, signified by endorsements on the back of the policy, signed by the Secretary. Void insurance.

SEC. 19. *Be it further enacted*, That each and every member of said company shall be entitled and allowed an examination of the books, papers and general trans- Right to examine books.

actions of said company, upon application thereof to the Secretary.

Assessments
to pay losses.

SEC. 20. *Be it further enacted*, That the Directors shall, after receiving notice of any loss or damage by fire or otherwise to property, covered by a policy issued by said company, and ascertain the same, or after the rendition of any judgment as aforesaid, against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of the losses and expenses, and publish the same in such manner as they may see fit, or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon his, her or them, as his, her or their proportion of any loss as aforesaid, in such cases the Directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit, and attorneys' fees; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the time for which insurance was made.

May sue.

Failure to pay
Assessments.

SEC. 21. *Be it further enacted*, That any person or persons, who are or may become members of said company, by effecting insurance therein, their heirs, executors, administrators or assigns, who shall neglect or refuse the payment of any assessment, duly ordered by the Directors of said company, for the term of thirty days after the same shall have become payable, agreeable to public notice by the Treasurer, the party so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance, respectively, for and during the term of such default or non-payment, and, notwithstanding, shall be liable and obliged to pay all assessments, that shall be made during the continuance of his, her or their policies of insurance.

Alienated
property.

SEC. 22. *Be it further enacted*, That in all cases, when real or personal property insured by said company, shall become alienated by sale, by change in part-

nership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said ^{Same.} company to be cancelled; and said company shall not be liable for any loss and damage, which may happen to any property, after such alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed, by the consent of the Directors, to the actual owner or owners thereof, previous to such loss and damage; and no policy issued by said company, shall be deemed to have been duly assigned or confirmed, unless consent of the Directors to such assignment or confirmation, is certified in such policy by the Secretary of the company.

SEC. 23. *Be it further enacted,* That the cash premi- ^{Prem. Notes} ums, together with the premium notes, shall constitute the capital stock of said company, which may be increased by a guaranteed capital as hereinafter provided.

SEC. 24. *Be it further enacted,* That for the better ^{Guarantee Notes.} security of the policy holders, the said company may receive guarantee notes or mortgages on real estate, to be approved by the Board of Directors, or by the executive committee thereof, to the amount of five hundred thousand dollars; the makers thereof shall be paid in consideration of such guarantee, a compensation to be determined by the Board of Directors, but not to exceed six per cent. per annum; such notes or mortgages shall be entitled to representation in the election of Directors, in the ratio of one vote for every one hundred dollars, and shall be liable for the losses and expenses of the company, whenever the cash premiums and premium notes are insufficient to pay the same; scrip certificates may be issued for such guarantee fund, transferable only on the books of the company.

SEC. 25. *Be it further enacted,* That the Board of ^{Comp'y funds.} Directors may invest and employ the funds of the company, in such way and manner as they may judge the interests and welfare of the company requires; but nothing contained in this Act shall be so construed, as to authorize said company to perform any banking privileges, or to issue any certificate of deposit to circulate as money or currency.

SEC. 26. *Be it further enacted,* That the said company may make insurance on lives by sea, on water and ^{May insure.} on land, and make all kinds of contracts, in which the casualties of life are principally involved, and all other insurance they may deem proper.

SEC. 27. *Be it further enacted,* That this Act shall be liberally construed for the purposes therein contained.

Tenn. State Mutual Fire Insurance Co. **SEC. 28.** *Be it further enacted,* That E. M. Apperson, Jesse W. Page, William L. Vance, C. J. Sel-den, Pittsel Miller, John B. Brownlow, William N. Bilbo, Howell E. Jackson, B. B. Waddell, A. T. Lacy, George M. Bartlett, John Overton, Jr., Samuel F. Led-yard and George L. Nicholls, with their associates, suc-cessors and assigns, and all other persons who may be-come members, in the manner hereinafter prescribed, be, and they are hereby incorporated and made a body politic, by the corporate name and style of the "Ten-nessee State Mutual Fire Insurance Company," for the period of thirty-three years, for the specific purpose, and no other, of insuring houses, stores, shops, and all other buildings, merchandise of all kinds, household furniture, etc., steamboats, hulls, barges, flatboats and cargoes, against loss or damage by fire, whether the same shall happen by accident, lightning, if set on fire, or any other ordinary means, excepting that of design in the assured, or by the invasion of an enemy, riot, mob, civil commotion, military or usurped power, or in-surrection of the citizens of this State, or any of the United States; and by such name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in all courts of law and equity, and places whatsoever; may have and use a common seal, and change the same at pleasure; may purchase and hold real estate and personalty, as may be necessary to effect the objects of their association; and the same may sell and convey at pleasure; may establish and put into execution such by-laws, rules, regulations, ordinances and restrictions, not contrary to the laws of this State and of the Uni-
Purpose. ted States. For the proper management of their af-fairs, may elect Directors and officers, appoint agents and operatives in this or other States and Territories of the United States; and do and execute all such acts and things as are usual, and may be necessary to carry into full effect, the purposes intended by this Act of
Privileges. Incorporation.
Management.

SEC. 29. *Be it further enacted,* That every person or persons, who may at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continu-ing to be insured therein, as hereinafter prescribed, shall be deemed and taken as members thereof, for and
Members.

during the terms specified in their respective policies, and no longer, and shall at all times, be included and bound by the provisions of this Act. Every member insuring to the amount of five hundred dollars, shall be entitled to one vote in all elections, or other business, and one additional vote for every five hundred dollars of additional insurance in said company; members not present may vote by proxy in the usual form.

SEC. 30. *Be it further enacted*, That there shall be a meeting of the corporators herein named, at Memphis, Tennessee, on the first Monday in April next, or as soon thereafter as practicable, who shall elect a President, Vice-President, Secretary, Treasurer and executive committee of three, to serve for one year; and annually thereafter, to be held a meeting of said company, at the time and place that may be designated by the Directors; at which annual meeting there shall be chosen by ballot, seven Directors, for the ensuing year, who shall hold office until others have been elected and qualified. If any vacancies occur in the Board of Directors or officers, from any cause, between the annual meetings of the company, such vacancies may be filled for the unexpired term, by a majority of the Directors in office. An'l meeting.

SEC. 31. *Be it further enacted*, That the powers and duties of the Directors, President, Secretary, Treasurer and executive committee, shall be such as are incident to like corporations, and their acts in accordance with common usage; and this Charter shall be respected, and govern the company. The Board of Directors, as such, or by an executive committee of three, duly elected, of whom the President shall be one, shall superintend all the affairs of the company, control its funds and property, and all matters and things thereto relating; shall appoint all officers, agents, assistants and operatives as may be necessary, prescribe their duties, fix their salaries and compensation, fix the rates of insurance and the amount of insurance on any building or risk, and adjust losses. The Directors shall also have power to appoint agents in all parts of the United States and Territories, for such length of time, and to grant such powers to them as said Directors may deem proper, for the purpose of receiving applications for insurance, collecting assessments, and attending to the interests and business of said company. Powers and duties of Directors, etc.

SEC. 32. *Be it further enacted*, That the principal place of business of the company, shall be at Memphis, Princ'l Office.

in the State of Tennessee, but the Directors may extend the business of insurance of said company, to every part of the United States, on real and personal property, within the same, with the exceptions and provisions hereafter enacted, not exceeding the sum of ten thousand dollars in any one policy risk, at such rates as the Directors, in view of the equity of the case and the interests of the company, may determine. Insurance, in all cases, shall be made upon the representations of the assured, contained in his or her application therefor, and signed by him or them, or his or their attorneys or agent, which representations shall, in fairness and good faith, state all the material circumstances within his or their knowledge which affects the risk; *Provided*, that in case of any loss or damage by fire, the valuation of the property at the time of such loss or damage, shall be determined by the award of impartial men, as may be usual and customary; any member of said insurance company, may be a competent witness for and against the company, except in suits when the member may be directly interested; *Provided*, such member be not otherwise disqualified. The records or certified copies of the records of said company, duly authenticated by the President and Secretary, shall be competent evidence in any suit, in which said company may become a party.

Application
for Insurance.

Provisos.

Time of in-
surance, etc.

SEC. 33. *Be it further enacted*, That said company may make insurance for any term not less than one month, nor more than six years; and for the convenience of parties distant, may issue open policies, as is usual in other insurance companies, which policies, so issued, shall be good; *Provided* the premium or ten percentage, is paid promptly, and the party assessed, has a fee simple title, unincumbered, to the building insured, and the land on which the building, etc., stands. In case of any insurance, upon any building or buildings, erected upon leased ground, where such buildings, by the terms of the lease, shall become, at the expiration of the lease, the property of the lessor; or shall be removed from the grounds on which they are erected, the company, in case of loss or damage, shall not be liable for any such loss or damage, more than the value of the interest of the assessed, at the time such loss or damage shall have occurred.

Property not
to be insured.

SEC. 34. *Be it further enacted*, That books of accounts, written security, or evidence of debt, title deeds, manuscripts or writings of any description,

money or bullion, shall not be deemed nor taken to be, objects of insurance by this company; certificates, ^{Same.} jewels, medals, musical instruments, plate, paintings, sculpture, stationery, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless those articles, or any of them, form part of the usual and regular stock in trade of the assured, or are particularly specified in the policy.

SEC. 35. *Be it further enacted*, That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his, her or their policy, deposit with the Secretary of said company, a premium note for such sum or sums of money, as shall be determined by the Directors, a part of which note or notes, not exceeding ten per cent. on reality, and twenty per cent. on personalty, shall be immediately paid in cash, before the company shall be liable for any loss, for the purpose of paying the incidental expenses of the institution; and the remainder of the deposit note, shall be made payable in part or the whole, at any time, when the Directors shall deem the same requisite for the payment of leases or other legitimate purposes. The said note or notes, or such part of the same, as shall remain unpaid at the expiration or termination of the policy, shall be relinquished and given up to the maker thereof; *provided* his assessments are fully paid. ^{Premium Notes.}

SEC. 35. *Be it further enacted*, That every member of the company shall be, and is hereby, bound to pay his proportion of all losses and expenditures happening or occurring in and to said company; and all buildings and other property, real or personal, insured by and with said company, together with the right, title and interest of the assured, to the lands on which they stand, shall be pledged to said company; and the company shall have a lien thereon against the assured, during the continuance of his, her or their policies, and said lien shall continue in force until all assessments made for losses and expenses, shall be fully paid. ^{Liability for losses.}

SEC. 36. *Be it further enacted*, That in all cases where the real or personal property insured by said company, shall become alienated by sale or change in partnership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company to be cancelled; and the company shall not be liable for any loss or damage which may happen to any such property after such alienation as afore- ^{Alienated property.}

Same.

said, unless the policy issued thereon shall have been duly assigned or confirmed by the consent of the Directors, to the actual owner thereof, previous to such loss or damage; and no policy issued by this company shall be deemed to have been duly assigned or confirmed, unless the consent of the Directors to such assignment is certified on such policy, by the President or Secretary of the company. In all cases of assignment as aforesaid, the purchaser shall sign the premium note and assure all liabilities on account of the policy so assigned, and shall be entitled to all the rights and privileges to which the original assured was entitled, and subject to, under this Act. In case it shall become necessary to resort to the lien on the property insured, the Treasurer shall demand payment, in writing, (to be served by any competent officer,) of the assured, or his or her legal representative or tenant in possession; and in case of non-payment of the assessment, said company may sustain an action on their deposit note, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the estate or effects, at auction, giving notice, and proceeding in the same manner as is required by law, under execution; or may proceed in equity, at the option of the Directors of the company; and the affidavits of the officer serving the notice of the Treasurer demanding payment for any assessment, naming the day and manner of making such demand, shall be sufficient evidence in all courts of law and equity, of such demand having been duly made.

Assessments,
etc.

Losses, dam-
ages, etc.

SEC. 37. *Be it further enacted*, That the Directors, after having received notice of any loss or damage by fire, sustained by any member or members, and ascertaining the same, or after the rendition of any judgment against the company, shall settle and determine the same to be paid by the several members thereof, as their respective proportion of said loss or losses; and may, as they deem necessary, order assessments to pay the same, and publish the assessment in such manner as they may see fit, or as their by-laws may prescribe, and the sum to be paid by each member, shall always be in proportion to the face or amount of his original premium note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice; and if any member, his heirs, executors or administrators, or assigns, shall neglect or refuse the

payment of any assessment for the term of ten days after the same shall become payable agreeable to public notice as aforesaid, the party so in default shall be excluded and debarred, and shall lose all benefit and advantages of his, her or their insurance or insurances, respectively, for and during the term of such default, or his or her non-payment; and notwithstanding, shall be liable, and obliged to pay all assessments that shall be made during the continuance of his, her or their policies of insurance; and the Directors may sue and recover the whole amount of his, her or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses, or purchases, as have accrued, or may thereafter accrue. The officers shall settle and pay any losses allowed by the Board of Directors, and any judgment against said company, within three months after being duly notified of said loss or losses, or rendition of judgment as aforesaid. The Directors may have the right, in proper time, to rebuild any house or houses destroyed or damaged by fire; *Provided* they do not expend in such building or repairs, more than the sum insured on the premises. They shall, also, have power to replace any personal property destroyed, not to exceed the amount insured. Refusal to pay assessments.

SEC. 38. *Be it further enacted*, That if insurance on any house, building or other property, shall be and subeist in this company, and any insurance company, or from and by any other person or persons, at the same time of the insurance made in and by this company, shall be deemed and become void, unless such double insurance subeist by and with the consent of the Directors, signified by endorsement on the policy signed by the President or Secretary. But in case of any double insurance by the consent of this company, whether prior or subsequent to the date of the policy in this office, the assessed shall not, in case of loss or damage, be entitled to demand or recover of said company any greater portion of the loss or damage sustained, than the amount insured by this company, shall bear to the whole amount insured on the said property, without reference to the dates of the different policies, or the solvency of any or all of the other insurance companies, issuing such policies. Double insurance.

SEC. 39. *Be it further enacted*, That it shall be the duty of the Directors, to gradually accumulate a

Sinking fund. sinking fund, and for that purpose, may when, or during an assessment for losses, assess an amount not exceeding five per cent. of the face of the premium notes due the company during any fiscal year, that the losses of the company do not exceed ten per cent. of the face of the notes given for six year policies. This fund may be accumulated to the amount of fifty thousand dollars, for the express purpose of enabling the officers to pay losses as soon as allowed by the Board of Directors, deducting legal interest, until the said losses would become due and payable; and to avoid the necessity of making frequent assessments, when a portion, or all of said fund has been used by the Directors in paying losses, the next assessment may be made large enough to pay the amount of losses due by the company and unpaid, and to return to the sinking fund the amount borrowed. It shall be lawful for the Directors to loan any portion of said fund not required to pay losses, to members of the company, for a term not exceeding ninety days, at legal interest. But no loan shall be made without being amply secured, and the Directors may demand such security as they may deem proper, whether of realty or personalty; and they may take collateral security on loans of the sinking fund, in the United States Government bonds or State bonds, bullion, jewels or other valuables, at not exceeding two-thirds of their cash value, and keep the same insured for the benefit of the company, at the cost of the borrower; and they may sell such collaterals, at either private or public sale, in ten days after the principal and interest become due and unpaid, without further notice to the lessees; which sale shall be final and vest title in the purchaser; *provided* the collaterals sell for enough to pay the debt. Should the members of the company, by a vote of three-fourths, determine to discontinue insuring, the amount of the sinking fund on hand shall be used, first, for the payment of any demands against the company, and secondly, be refunded *pro rata*, to the members thereof; and this Act shall take effect from and after its passage.

Same.

Proviso.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 11, 1867.

CHAPTER XL.

AN ACT to Authorize the Register of Shelby County to Index the Register Books of Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of Shelby County, proceed forthwith to make a full, perfect and correct general Index, to all the books of Registration in his office, up to the first of January, 1867.

SEC. 2. *Be it further enacted*, That when said work is completed, the Register of said county shall give notice in writing, to the Judge or Chairman of the County Court of said county, that such Index is completed; that the next ensuing County Court, after such notice, shall appoint a committee of three persons to examine the same, and report to the next ensuing term of said court. If said committee, or a majority thereof, report the same to have been correctly and truly completed, the said court shall, at the same term thereof, a majority of the justices of said court being present, appropriate to said Register, out of any funds of said county, pay for said work, at the rate per folio, for words and figures, as allowed by law, for registration of decrees for title. County Court to pay for.

SEC. 4. *Be it further enacted*, That the books used in making out said Index, to be paid for as are other records used by the Register. Pay for book.

SEC. 5. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed January 30, 1867.

CHAPTER XLI.

AN ACT to Supply Indexes to the Books in the Land Office in West Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Register of the Land Office of West Tennessee make an Index to all the books in his office from the organization of said office to the present time, inclusive, where the Indexes have been destroyed; said Indexes to give the number of grant, warrant or entry, name of grantee, date and number of page where recorded.

Comptroller
of State to
pay compensation

SEC. 2. *Be it further enacted,* That said Register, for his services, shall receive, as compensation, ten cents for every grant, warrant or entry so indexed, payable by the Treasurer of said State, upon a warrant of the Comptroller; and that said Comptroller is hereby authorized to issue his warrant for said compensation, to said Register, on said Register presenting his Index complete as aforesaid; and that the cost of material and binding the books, together with all other necessary books for said office, shall be paid by the State.

Entry taker.

SEC. 3. *Be it further enacted,* That the said Register of the Land office of West Tennessee, shall be *ex-officio* Entry Taker of the county of Madison, Tennessee, and shall discharge all the duties of said office of Entry Taker.

To give bond.

SEC. 4. *Be it further enacted,* That said Register shall give bond and security for the discharge of his duties, in the sum of twenty-five hundred dollars, conditioned according to law.

SEC. 5. *Be it further enacted,* That all laws in conflict with this Act, be, and the same are hereby repealed.

SEC. 6. *Be it further enacted,* That this Act shall take effect, and be in force from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 16, 1866.

CHAPTER XLII.

AN ACT to Incorporate the London Mining and Manufacturing Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. E. Raht, William A. Bartlett, Charles Raht, John Toukin, John S. Long, and their associates, successors and assigns, are hereby, constituted a body politic and corporate, under the name and style of "London Mining and Manufacturing Company," for the purpose of exploring, boring and mining for copper, coal, petroleum, iron, coal, zinc and other ores, minerals and metals; and for working, smelting, manufacturing and vending the same; and to continue in existence, to them and their successors, for the period of ninety-nine years, with full power to make and use a common seal, and to alter and change the same at pleasure; to make such by-laws, not inconsistent with the laws of this State, or of the United States, as it may deem proper and necessary for its government; in its corporate name, to sue and be sued, to plead, and to be impleaded; to hold by purchase, lease or otherwise, and to dispose of the same in any way, any real estate or personal property which may be useful or necessary for carrying on its operations, or which it may become possessed of, in the payment of any debt or judgment to said company. Powers and privileges.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, with liberty to increase the same as hereinafter provided, to be divided into shares of not less than fifty dollars each. The amount of capital stock, the number and price of shares, shall be fixed and agreed upon by the corporators, at their first or second meeting, under this Act. Nothing but money, coal, petroleum, lead, iron, copper and metals, and other mineral property, shall be regarded as a basis of capital stock; the stock to be subscribed and transferred to said company, and paid for as the Board of Directors may prescribe. The shares shall be considered as personal property, and shall be transferable only on the books the company, in person or by attorney. Capital stock.

SEC. 3. *Be it further enacted*, That the corpora-

Annual meeting.

tors named in the first section of this Act, or any five of them, or their associates, shall be Directors for the first year, and until others are elected in their stead. The annual meeting of the company shall be at such time, and in such place or places, in or out of the State of Tennessee, as the Board of Directors may determine, from time to time, or from year to year, thirty days' previous notice being given in some newspaper published near the place of business of said company, of the time and place of such meeting. At each annual meeting, a Board of Directors shall be chosen for the ensuing year; but in case of failure to elect a Board of Directors, the company shall not thereby forfeit its charter, but the same Directors of the previous year, shall continue in office until others are elected in their stead. The Directors shall elect one of their number President, and shall appoint such other officers and agents as they may deem necessary, and assign or affix their salaries.

May increase capital stock.

SEC. 4. *Be it further enacted,* That said company may, at its pleasure, and in such form and manner as the Directors shall elect and declare, increase their capital stock to any amount they may deem advisable, not exceeding two millions of dollars; and said Directors shall have power to sell and dispose of, or take subscriptions for such additional stock, in such manner and form, at such time and place, and on such terms, as they may think proper to order and prescribe; and whenever said company shall, by purchase, lease or otherwise, become possessed of any petroleum, mine or mines, or mineral rights, within the limits of the State of Tennessee, the Directors may make a separate and distinct interest of each mine or property, and divide such interest into such number of shares as they may deem expedient, not less than fifty thousand dollars, nor more than one million of dollars, to each separate mine, as their by-laws may direct.

Separate interests.

Debts.

SEC. 5. *Be it further enacted,* That said company shall not contract any debt over and above the capital stock paid in, assigned, transferred or conveyed to said company; no part of which shall be withdrawn or in any way diverted from the business of said company without the consent of three-fourths in interest of stockholders.

Change name.

SEC. 6. *Be it further enacted,* That said company shall have power, at any general meeting of the stockholders of the company, to change the name of the

company, and do any thing that may be necessary to carry on said business.

SEC. 7. *Be it further enacted*, That this corporation shall be subject to pay such taxes as may be imposed on similar corporations in this State. Taxes.

SEC. 8. *Be it further enacted*, That James F. Leath, James A. Swain, J. W. Jefferson, Edward Wickerson, Joseph Tagg, R. C. Gist, J. C. Sullivan, L. M. Walcott, George W. Waldron and H. B. Wells, of the county of Shelby, and State of Tennessee, their associates, successors and assigns, be, and they are hereby, created a body politic and corporate, under the name and style of the "South-Western Fire and Marine Insurance Company," of Memphis, and as such, shall be subject to all the restrictions and penalties, and entitled to all the privileges and benefits conferred by the charter creating the National Insurance Company, passed November 17, 1865. South-west'n
Fire & Marine
Insurance Co.

SEC. 9. *Be it further enacted*, That the incorporators of this Act have twelve months to organize, after its passage.

SEC. 10. *Be it further enacted*, That G. C. Graves, W. H. Thurston, B. F. Smith and A. A. Clark, be incorporated under the name and style of the "Shelby Insurance Company," to be located at Memphis, Tennessee, with all the rights, powers and privileges, conferred upon the National Insurance Company, passed November 17, 1865. Shelby Ins'ce
Company.

SEC. 11. *Be it further enacted*, That Joel R. Chappell, William Alexander, J. T. Beverage, T. P. Jones, R. H. Anderson, A. T. Pegues and J. R. Woolfolk, and their associates, successors and assigns, be, and are hereby, constituted a body corporate, by the name and style of the "Jackson Building and Manufacturing Company," and by that name have succession for thirty years; and shall be competent to sue and be sued, in any court of law or equity; to have and use a common seal; to establish, ordain and change any by-laws that may be necessary for the government of said company, not inconsistent with the constitution and laws of the United States, or the State of Tennessee; to acquire, possess, receive, purchase, hold by lease or otherwise, and dispose of such real estates, leases and personal property, as they may desire; or may borrow money on bonds or pledge, or mortgage of any of said estate, as may be necessary for the carrying on of their business; to erect and build houses, dwellings or tenements, Jackson Bd'g
& Manuf'g Co.
Powers.

Same.

or repair or add to the same on their own estate, or by contracts, on the estates of others, in whole or in part; and to manufacture, make, construct or prepare any or all the materials therefor; and for this purpose, to buy, erect and operate every and any kind of factories or machinery they may deem proper; and to sell, lease or rent, any of said real estate and houses, dwellings or buildings, machinery, manufactories or fixtures.

Capital stock.

SEC. 12. *Be it further enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into shares of twenty dollars each; but the company may commence business so soon as five hundred shares are subscribed and secured; the shares shall be considered personal property and transferable only on the books of the company in person or by attorney.

May elect Officers.

SEC. 13. *Be it further enacted*, That said company may elect, not exceeding seven Directors, who shall, from their number, elect a President, Secretary, Treasurer and Directors or officers; may appoint such other officers or agents as the corporation may require, and may prescribe the duties and powers of all officers and agents, and require bond and security for the faithful performance thereof, in such penal sums and with such surities as they may choose; and also prescribe the term of their office.

Tennessee Fruit & Wine Company.

SEC. 14. *Be it further enacted*, That William Coward, Bunyan Payne, John S. Peete, A. G. Mitchell, A. T. Shaw, J. M. Keating, John T. Douglas, R. S. Barret, J. Hindman, Davis Cockrill and A. T. Lacy, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Tennessee Fruit and Wine Company;" and by that name and style shall have succession, with power to contract and be contracted with, to sue and be sued, to have and use a common seal, to purchase or lease real estate, or receive the same by gift, and to engage in the business of fruit and grape growing, and the manufacture of wine, and to do all things lawful and needful to develop the business of fruit growing and wine making, within the State of Tennessee.

Organization.

SEC. 15. *Be it further enacted*, That said corporation may organize said company by the appointment of a Board of Directors, with a President, and such other officers and managers as they may deem necessary, at such times and places as they may designate by notice

previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations as they may deem necessary for the government and prosecution of the business of said corporation.

SEC. 16. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, and that said company shall have power to increase the same from time to time, to a sum not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each, transferable on the books of the company. Capital stock.

SEC. 17. *Be it further enacted*, That said company may erect and build on any of their lands, such buildings, engines, machinery and fixtures, drying kilns, wine presses, wine vaults, glass factories and barrel factories, as may be deemed convenient and proper for conducting the business of said corporation. Buildings, etc

SEC. 18. *Be it further enacted*, That this charter shall continue in operation for the term of ninety-nine years, from and after its passage.

SEC. 19. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 25, 1867.

CHAPTER XLIII.

AN ACT to Incorporate the American Emigration Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert B. Hunt, George Snider, John C. Haws, L. B. Sideray, Milton Brown, E. P. McNeal and T. O. Muse, and their associates and successors, be, and they are hereby created and declared

Rights.

a body politic and corporate, under the name and style of the "American Emigration Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, receive, hold, possess and enjoy, alien, convey, and otherwise dispose of, all such property and effects, real, personal and mixed; and do and perform all such acts and things, as shall be deemed necessary or convenient, for the promotion of the interest of said company, or the transaction of the business thereof, within the meaning and intent of this Act; shall have succession for ninety-nine years, and may have a common seal, which they may alter or change at pleasure.

Powers, privileges, etc.

SEC. 2. *Be it further enacted*, That said corporation shall have and possess all such powers, rights and privileges, as shall be deemed necessary, for the purpose of encouraging and facilitating emigration from foreign countries, or other States of the Union. They shall have power to purchase and hold lands, and to sell, convey or lease the same in tracts or lots, as they may deem advisable to suit purchasers. They may make such improvements upon, or in relation to, their lands, as they may deem proper for the purpose of enhancing the value thereof; and to this end they may erect buildings, and carry on various manufacturing establishments, at such point on their lands as they shall locate the same; and may erect mill dams, construct canals, and improve navigable waters, to such extent as they shall deem necessary, and control the same, not interfering with existing rights or grants; and may construct, operate and maintain roads and highways, from and to various points, upon such plan and manner, as shall best enhance the value of their lands, and render them more easy of access; and may make contracts, and carry into effect such management for the transportation of passengers and freights, as said company shall deem expedient or advisable, and generally to have all such powers as are incident to incorporations.

May borrow money.

SEC. 3. *Be it further enacted*, That said corporation shall have power to borrow money, and to pledge or mortgage its property and franchises, for the security thereof; and to issue evidences of indebtedness, as may be prescribed by the by-laws, and to loan out of their funds at legal rates of interest to aid immigrants.

Management.

SEC. 4. *Be it further enacted*, That the affairs of said corporation shall be managed by a Board of Directors, of not less than seven nor more than twenty-

one members, who shall be stockholders, and who shall have authority to appoint, or provide for the appointment of such officers and agents, as shall be deemed necessary; they shall be chosen annually, and hold their offices for one year, and until their successors are chosen, and enter upon their duties; and shall have power to fill vacancies in their own number.

SEC. 5. *Be it further enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, with power to increase it by a vote of a majority of the stock represented, which capital stock be divided into shares of one hundred dollars each. Said company may organize and proceed to business, when one hundred thousand dollars of the capital stock is subscribed. Capital stock.

SEC. 6. *Be it further enacted*, That the persons named in the first section, hereafter, and their legal representatives, shall constitute Commissioners to take subscriptions to the capital stock, and organize said company, five of whom shall constitute a competent Board for that purpose. Commiss'ers.

SEC. 7. *Be it further enacted*, That in prosecuting improvements under this Act, when the owners of property necessary to be used, cannot agree with the corporation, upon the value thereof, the same shall be determined by two arbitrators, one to be chosen by each party, and who shall choose a third person as umpire, in case of disagreement. Arbitrators.

SEC. 8. *Be it further enacted*, That the provisions of this Act are deemed expedient for the public good, and shall be liberally construed. Construction.

SEC. 9. *Be it further enacted, Provided*, That nothing in the foregoing Act shall be so construed, as to give the company authority to emit bills of credit, or to issue their own paper to circulate as currency. Proviso.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 26, 1867.

CHAPTER XLIV.

AN ACT to Charter the Statesville, Watertown and Rome Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David S. Boyd, A. W. Cox, William Waters, Jonathan Baily, W. W. Seay, and all persons who may become stockholders, be, and they are hereby constituted a body corporate and politic, by the name and style of the "Statesville, Watertown and Rome Turnpike Company," for the purpose of constructing a turnpike road leading from Statesville *via* Watertown, intersecting the Lebanon and Trousdale Ferry Turnpike Road, in the direction of Rome, at the most eligible point; said company shall, by this corporate name, have power to transact all necessary business in prosecuting the objects of this corporation to a successful issue; that the capital stock shall consist of such an amount as may be found necessary to build said road, erect toll gates, purchase sites for same, each share to entitle the owner thereof to one vote in the management of the affairs of said company; that such subscriptions may be paid in labor or other services as may be determined by a Board of five Directors, to be chosen by the stockholders at such times and places, and to serve for such length of time as may be determined by said stockholders; that said company shall have three years to commence said work, and four years thereafter, for its completion; that they have succession for ninety-nine years; that said road shall be graded fourteen feet in width, the first coat of rock or gravel twelve feet in width; the second coat eight feet in width, of sufficient thickness to sustain the travel; that said company shall be entitled to four toll gates, at such points as the Board of Directors may select; *Provided*, no gate shall be located nearer than one-half mile of an incorporated village, nor nearer than three miles of another gate on said road; that said turnpike company be entitled to all privileges and immunities, and subject to all liabilities not inconsistent herewith, to which similar corporations generally are entitled; that said company be allowed to charge the same rates

Powers,
Stock, etc.

Character of
road.

Proviso.

of toll as allowed by law on the Lebanon and Sparta Turnpike Road.

SEC. 2. *Be it further enacted*, That the Statesville and Cainsville Turnpike Company be allowed to open toll gates on said road, at any point where they can get a house, in less than one mile of an incorporated village. Statesville &
Cainsville
Turnpike Co.

SEC. 3. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 27, 1867.

CHAPTER XLV.

AN ACT to Incorporate the "Mechanics' Bank of Discount and Deposit, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Leftwick, J. E. Merriman, Charles B. Church, William A. Fitch, Jr., Ben May, Ira M. Hill and William M. Farrington, Commissioners, are hereby created a body corporate, by the name of the "Mechanics' Bank of Discount and Deposit," and are authorized to open books of subscription to the capital stock of said institution, in the presence of any three of said commissioners, who shall constitute a board, with authority to receive the same at such place as they may designate in the City of Memphis. The subscriptions shall be in shares of fifty dollars each; and as soon as one thousand shares are subscribed, on which there shall be paid at the time of subscribing ten per cent. of each subscription in lawful money of the United States, the said commissioners shall declare said institution organized, and the stockholders may proceed to elect a Board of Directors, to serve for one year, or until their successors are elected and qualified. The said Mechanics' Bank of Discount and To open
books.

Organization.

Rights.

Deposit is hereby declared a body corporate, from the date of the organization of the regularly elected Board of five Directors; and may sue and be sued, plead and be impleaded, and generally to do such acts and things as are necessary to carry out the objects of the association.

Powers, etc.
of Directors.

SEC. 2. *Be it further enacted*, That the said Board of Directors may elect one of their number to act as President; may adopt and use a common seal, and alter the same at pleasure; may make and adopt necessary by-laws for their government; may appoint all necessary officers and agents for the transaction of their business, and fix their compensation, and take bonds and security for the faithful discharge of their duties; and shall pay to the State such annual tax as assessed on similar Banks or institutions on the capital stock paid in, of said institution, and such additional tax as the laws of the State may impose on institutions of the same kind.

Business and
privileges.

SEC. 3. *Be it further enacted*, That the said institution may buy and sell stock, deal in United States and other bonds, may buy and sell exchange; *provided*, that said institution shall not pay out on discounts any other than National currency or coin; purchase and hold a lot of ground for their own use, as a place of business, and at pleasure sell or exchange the same; and may hold such real and personal property and estate as may be conveyed to them to secure debts, and to the institution, and may sell and convey the same. The said institution may receive on deposit any and all sums, not less than one dollar per week, which infants or *femes covert* may deposit therein, who shall have the right to control the deposit so made, which shall be for their own separate use, free from the control of any other person whomsoever; it may receive other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law.

Currency.

SEC. 4. *Be it further enacted*, That the said institution is hereby expressly prohibited from issuing notes, certificates, or other paper, for the purpose of being used, or which shall have a tendency to pass or be used as a circulating medium.

Liability of
Stockholders.

SEC. 11. *Be it further enacted*, That the stockholders of the said institution shall be individually liable for any of its debts, in an amount over and above, and equal to the amount of stock held by him or her; and

all stockholders shall be liable as such for three months after the transfer of any stock owned or held by him or her.

SEC. 6. *Be it further enacted*, That the President and Directors shall annually appoint the time and place of holding the election for Directors, and two or more of them shall attend and conduct the same; each share being entitled to one vote. Annual Election.

SEC. 7. *Be it further enacted*, That the said institution shall be located at Memphis; and that this Act shall take effect from and after its passage. Location.

SEC. 8. *Be it further enacted*, That Pleasant M. Craigmiles and William H. Craigmiles, and their associates, are hereby incorporated under the name and style of the "Merchants' and Mechanics' Savings Institution," with all the rights, powers and privileges contained in An Act entitled, "An Act to charter a Bank of Discount and Deposit, at Dandridge, Tennessee, passed December 13, 1865." Merchants' and Mechanics' Savings Institution.

SEC. 9. *Be it further enacted*, That J. S. Wilkins, Joseph Gothard and N. Merriwether, and their associates and successors, be, and they are hereby created a body politic and corporate, by the name and style of the "National Loan and Savings Bank;" and by that name shall have succession, sue and be sued, plead and be impleaded, and generally to do any act and thing necessary to carry out the provisions of this Act, for a period of fifty years.

SEC. 10. *Be it further enacted*, That the capital stock of said Bank shall be divided into shares of fifty dollars each, and when one thousand shares shall have been subscribed, and the sum of ten dollars per share paid thereon, the stockholders may meet and elect five Directors, and said Directors shall elect from their number, a President, during their term of office; *Provided*, the capital stock may be increased from time to time, by a vote of a majority of the Directors, to a sum not exceeding five hundred thousand dollars. Capital stock.

SEC. 11. *Be it further enacted*, That the said President and Directors, shall and may adopt and use a common seal, and alter the same at pleasure; may make and adopt proper and necessary by-laws for their government; may appoint all necessary officers and agents, fix their compensation, and take bond and security for the faithful discharge of their duties; they may prescribe the manner of paying in the stock, and of the transfer of the same. Said Bank shall have a lien Privileges.

on the stock for debts due it by the stockholders, before and in preference to other creditors.

Business,
rights and
powers, etc.

SEC. 12. *Be it further enacted*, That said Bank may discount notes; may buy and sell stock, deal in exchange, gold and silver bullion; may purchase and hold lot of ground for the use of the Bank, as a place of business, and at pleasure, sell or exchange the same; and may hold such real and personal property and estate, as may be conveyed to it to secure debts due the Institution, upon such terms as the President and Directors may require, and may sell and convey the same; it may receive upon deposit, any and all sums not less than one dollar per week offered, and infants and *femes covert* may deposit therein, and control the deposits so made, which shall be for their own separate use, free from all other contracts or control whatever; and when such deposits shall amount to fifty dollars, it may, at the option of the depositor, become stock in the Bank. It may receive other general or special deposits, and allow such interest thereon as may be agreed upon, not exceeding that allowed by law; and twice per year declare and pay to stockholders, a dividend of profits; but said Bank is hereby expressly prohibited from issuing notes, certificates, or other paper, for the purpose of being used, or which shall have a tendency to pass and be used as a circulating medium.

Currency.

Vacancies,
etc.

SEC. 13. *Be it further enacted*, That in case of the death or resignation of any Director, the President and Board of Directors are authorized to fill the vacancy by appointment, until the next election of Directors; and that the President and Directors shall annually appoint the time and place of holding the election of their successors, and two or more of their members shall attend and conduct such election, each share being entitled to one vote, which may be cast either in person or by proxy.

SEC. 14. *Be it further enacted*, That this Act take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 27, 1867.

CHAPTER XLVI.

AN ACT to Incorporate the St. George's Benevolent Association of the State of Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the "St. George's Association of the State of Tennessee," located in the City of Memphis, and having for their object the promotion of the welfare of Englishmen and their families, be, and they are hereby made a body politic and corporate, under the name and style of the "St. George's Benevolent Association of the State of Tennessee," and as such, may have a common seal; purchase and hold real or personal estate as may be necessary for their business; sue and be sued; plead and be impleaded; and do all such other acts as are common and incident to such corporations. Rights.

SEC. 2. *Be it further enacted,* That the business of the corporation shall be managed by such officers or committeemen as may be provided for by the constitution and by-laws of the association. Management.

SEC. 3. *Be it further enacted,* That the conditions of membership, the admission of new members, and the expulsion of old members, shall be determined by the constitution and by-laws of the association; and that the fees of initiation, contributions or other dues from members, shall be fixed by the constitution and by-laws of the association, and when so fixed, may be collected by law in the name of the corporation. Membership.

SEC. 4. *Be it further enacted,* That the association shall have power to raise and hold funds, and to inherit or receive bequests or donations, to be applied to the benefit of members and their families, and the temporary relief of other distressed Englishmen or their families, and to invest the same when not immediately wanted. May hold property, etc.

SEC. 5. *Be it further enacted,* That this corporation shall have power to establish branch associations anywhere within the limits of the State of Tennessee, such branch associations having all the powers conferred by this charter, that may be necessary to fully effect the objects contemplated by this association. Branch Associations.

SEC. 6. *Be it further enacted,* That this corpora-

By-laws.

tion shall have the power to pass all such by-laws as may be necessary to fully effect the objects contemplated by the same; which by-laws shall not be inconsistent with, or in violation of the Constitution or laws of the United States, or of the State of Tennessee.

SEC. 7. *Be it further enacted*, That this charter shall have succession for ninety-nine years.

Chebra Gamilas Chaced.

SEC. 8. *Be it further enacted*, That Joseph B. Spitzer, Barney Feibleman, Jacob Harris, David Friedman, Michael Loeffler, G. A. Colberg, S. Simpson, Adolph Deutch, Charles B. Feibleman, Daniel Deutch, R. Leopold Feibleman, Jacob Bach, Jacob Seckelson, Morris Bradt, William Friedman, Simon Horwitz, Aaron Simpson, H. Gutman, Henry Deutch, Jacob Lewinsky and Elias Bowsky, of the City of Chattanooga, Hamilton County, be, and the same are hereby created a body incorporate and politic, by the name and style of "Chebra Gamilas Chaced," or Hebrew Benevolent Association, of the City of Chattanooga, Hamilton County, with power to sue and be sued, plead and be impleaded, purchase, hold and sell again such amount of real estate as may be necessary to the successful carrying out of the charitable objects of the association; make a common seal, and change the same at pleasure; adopt a constitution and by-laws, and enforce obedience to the same on the part of the members of the association, and perform such other offices as may be necessary and proper, not contrary, however, to the laws of this State, and the United States.

Powers and privileges.

Objects.

Preamble. The Chebra Gamilas Chaced, or Hebrew Benevolent Association, was instituted May the 20th, 1866, for the purpose of uniting all the Hebrew members of this city into a sacred brotherhood, to inculcate peace, harmony and brotherly love, help, aid and assist each other in time of need and distress, and extend charity to all their brethren, and to all mankind, whenever called upon, to the extent of their ability.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 23, 1867.

CHAPTER XLVII.

AN ACT to Repeal Section 89 of An Act passed May 24th, 1866, to Incorporate the Tennessee and Pacific Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That section 39 of the Act passed May 24, 1866, chap. 88, entitled "An Act to incorporate the Tennessee & Pacific Railroad Company, and for other purposes," be, and the same is hereby repealed.

SEC. 2. *Be it further enacted*, That Samuel H. Bales, Stephen Matthews, W. R. Jones and R. C. Tucker, and their successors in office, be, and they are hereby constituted a body politic, and corporate, with all the rights and liabilities incident to corporations, under the name of the "Unitia Turnpike Company," for the purpose of constructing and grading a Turnpike Road, beginning at Lenoir's Ferry, on Holston River, thence through the town of Unitia, and by the way of Friendsville to Maryville, in the County of Blount.

SEC. 3. *Be it further enacted*, That sec. 50 of said Act be so amended that the twenty thousand dollars of State Stock, appropriated in said section, be, and the same is hereby transferred to the Unitia Turnpike Company, and the said last mentioned Company, be, and is hereby substituted, to all the rights and privileges of the said Maryville Company, as conferred by the Act mentioned in the first section of this Act.

SEC. 4. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 27, 1867.

CHAPTER XLVIII.

AN ACT for the Benefit of the Winchester & Alabama Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Internal Improvement laws be so amended that the Winchester & Alabama Railroad Company be, and is hereby permitted, in rebuilding its road, to use solid T Rail, of not less than fifty pounds to the lineal yard, and all Branch Roads which may wish to use such bars, fifty pounds to the yard.

C., C. G. & C.
Railroad.

SEC. 2. *Be it further enacted*, That the Cincinnati; Cumberland Gap & Charleston Railroad Company, and the Knoxville & Kentucky Railroad Company, and the Knoxville & Charleston or Rabun [Gap] Railroad Company, and the East Tennessee & Western N. C. Railroad Company, be, and they are hereby, entitled to exercise the same powers as are hereby conferred upon the Winchester & Alabama Railroad Company.

City of Jack-
son.

SEC. 3. *Be it further enacted*, That whenever the words "Town," or "Town of Jackson," occurs in the Acts of Incorporation or Laws or Ordinances regulating said Town of Jackson, Madison County, Tennessee, be, and the same are hereby amended, by striking out the same and the word "City," or "City of Jackson," be inserted in lieu thereof.

Miss. Riv. R.
R. Co.

SEC. 4. *Be it further enacted*, That the affairs of the Mississippi River Railroad Company shall be conducted by nine Directors, while said Railroad is being conducted within the limits of the State of Tennessee; but the Board of Directors, by a unanimous vote, may increase the number of Directors to thirteen when the construction of that of the road lying within the State of Kentucky shall be commenced.

Machine
Shops, &c.

SEC. 5. *Be it further enacted*, That at whatever point on the Mississippi River Railroad the Company shall determine to locate their Machine Shops, Car Factories, and other works connected with the operation of their road, it shall be lawful for said Company, if they cannot agree with the owner of the land needed, or if the owner be incompetent to contract, or is a non-resident of the State, to proceed to have a suitable site, not exceeding forty acres in extent, valued and condemned to the use of the Company, for the purpose

aforesaid; and in such condemnation the same rules shall be followed as are prescribed in section 50 of the Act to which this is an amendment, for acquiring for said Railroad Company, the right of way.

SEC. 6. *Be it further enacted*, That the County Court of any County through which the line of the Mississippi River Railroad is proposed to run, a majority of the Justices in commission at the time concurring, may make a corporate or county subscription to the Capital Stock of said Railroad Company, of an amount not exceeding two-thirds the estimated cost of grading the road-bed through the County and preparing the same for the iron rails; the said cost to be verified by the sworn statement of the President or Chief Engineer of said Company. And after such subscription shall have been entered upon the books of the Railroad Company, either by the Chairman of the County Court, or by any other member of the Court appointed therefor, the Court shall proceed, without further reference or delay, to levy an assessment on all the taxable property within the County sufficient to pay said subscription; and the same shall be payable in three equal annual installments, commencing with the fiscal year in which said subscription shall be made. And it shall be lawful for County Courts making subscriptions as herein provided, to issue short bonds to the Railroad Company in anticipation of the collection of the annual levies, if thereby construction of the work may be facilitated. And in all other respects, except as herein specially provided, the Capital Stock of said Railroad Company to be subscribed by Counties, shall be governed by the General Internal Improvement Laws of the State.

SEC. 7. *Be it further enacted*, That section 11 of An Act passed May 24, 1866, entitled An Act to Charter the Cincinnati, South-Western & Chattanooga Railroad Company, be amended by striking out the word "Thirty," in the ninth line from the beginning of said section relating to the Mississippi River Railroad, and substituting the words "Twenty-five," therefor.

SEC. 8. *Be it further enacted*, That the forty second section of the Act passed January 29, 1858, chartering the Mississippi River Railroad Company, be so amended as that the Board of Directors may call for the payment of the entire subscription of Stock within two years from the date of the subscription, if they so agree with the subscribers: *Provided*, however, that they shall not call for exceeding twenty-five per cent. within any six months.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 25, 1867.

CHAPTER XLIX.

AN ACT to Incorporate College Grove Female Institute and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That A. G. Scales, James S. Ogilvie, J. P. Allison, W. W. Hendrix, W. A. Haley, W. Baker Dobson and F. F. P. Allison, and their successors in office, as Trustees, be, and the same are hereby incorporated, under the name and style of "College Grove Female Institute," at College Grove, Williamson County, Tennessee. Said Trustees may have a common seal; may sue and be sued, plead and be impleaded, in any court of record; and enjoy all the immunities and privileges which are granted by the Code of Tennessee to institutions of learning, for thirty-three years.

Powers and Privileges.

SEC. 2. *Be it further enacted*, That the Trustees shall have, and are hereby invested with all legal powers and capacities to buy, receive, possess, hold, and dispose of any property they may deem proper, for the benefit of said Institution.

Same.

SEC. 3. *Be it further enacted*, That said Trustees shall have power to fill any vacancies in their body caused by death, resignation or otherwise; to make their own by-laws and regulations, not inconsistent with the laws of the State and of the United States, and with the Officers and Teachers of said Institute; grant diplomas and confer any honors and degrees given by similar institutions.

Chickasaw Club & Library Association.

SEC. 4. *Be it further enacted*, That J. W. Page, Jr., H. A. Littleton, F. F. Bowen, F. S. Davis and C. B. Church, their associates and successors, are hereby

incorporated and created a body politic and corporate, with succession for ninety-nine years, under the name and style of the "Chickasaw Club and Library Association," in the City of Memphis, and State of Tennessee, with full power in their corporate capacity, to sue and be sued, plead and be impleaded, in any Court of the State of Tennessee.

SEC. 5. *Be it further enacted*, That said corporation shall have authority to purchase, build or rent buildings suitable for the meetings of said Club, and for the establishment of a Library, if desired by the members thereof; and may obtain and hold, by purchase or otherwise, such real estate and personal property as may be necessary for the accommodation and support of said Club, and may dispose of the same at pleasure. Buildings.

SEC. 6. *Be it further enacted*, That the officers of the said Club shall consist of a Governing Committee of nine members, (who shall hold their offices for one year, or until their successors are chosen,) to be elected at an annual meeting of the members of said Club, held for that purpose. The Governing Committee shall choose one of their own number President, and shall also elect a Secretary and Treasurer, and such other officers as they may deem necessary or proper, and they may take bonds for the proper performance of their duty, and dismiss them at pleasure. Officers.

SEC. 7. *Be it further enacted*, That the members of said Club shall hold an annual meeting for the election of a Governing Committee, and may, at their pleasure, hold other meetings as may be necessary; keeping minutes of their proceedings in a book to be kept for that purpose. Meetings.

SEC. 8. *Be it further enacted*, That the said Chickasaw Club may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws and regulations as may be required for the good order, government and support of said Club, and not inconsistent with the Constitution of the United States or State of Tennessee; and do and perform all other acts for their benefit not inconsistent with the privileges hereby granted. Powers.

SEC. 9. *Be it further enacted*, That the corporators herein specified, or any one of them, may open books for subscriptions, and when twenty-five or more persons have subscribed their names, and shall have paid in one hundred dollars each, they may proceed to organize, by electing a Governing Committee and adopting such by-laws and regulations as may seem to them suitable, Organization.

Proviso. and not inconsistent with their Charter : *Provided*, that any members of the voluntary association now known as the Chickasaw Club, who have paid in one hundred dollars to the Treasurer of said Club, shall have credit for the same on the subscription books hereby directed to be opened, on subscribing their names thereto.

Membership. SEC. 10. *Be it further enacted*, That the said Chickasaw Club, after organization, may increase its membership as may be desired, under such rules and regulations, and penalties, as may be deemed best and most to the interest of such Club.

Moneys. SEC. 11. *Be it further enacted*, That all moneys subscribed shall be used to rent, purchase, lease or build, such real estate and houses as may be deemed necessary for the accommodation of such Club, and the necessary expenses of furnishing the Club House, and other necessary expenses of keeping it up.

Assessments. SEC. 12. *Be it further enacted*, That at the annual meeting of the members of said Club, they may assess on each member, such amount as may be deemed necessary to support the Club for the year ensuing, and to carry out the objects of the Club; and in case the amount is not paid within ten days, may expel delinquent members by any method that they may deem best.

Dissolution. SEC. 13. *Be it further enacted*, That if this Club shall, at any time, dissolve, the property, real and personal, shall be the property of the individual members of the same.

SEC. 14. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed February 28, 1867.

CHAPTER L.

AN ACT Explanatory of, and Supplementary to, An Act passed May 23, 1866, and entitled "An Act to accept the Charter of the Columbia & Hampshire Turnpike Company," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in accepting the surrender of the Charter of the "Columbia & Hampshire Turnpike Company," and releasing said Company from future liability and responsibility in any way attaching to said Company subsequent to the time of the passage of said Act, there was no intention, in any way, to interfere with former liabilities or contracts therefor. Former liabilities.

SEC. 2. *Be it further enacted*, That the incorporators known as the Columbia & Hampshire Turnpike Company, in Maury County, and their successors in office, prior to May 23, 1866, are hereby authorized and empowered to pay all liabilities legally resting upon and coming against said Company, and necessarily and properly growing out of the Act of Incorporation creating said Company; and to enable them to do, they are hereby authorized and empowered to collect all legal debts due said Company, and to sell and convey all personal and real estate belonging to the same, and to apply the proceeds to the payment of the debts of the Company. Liabilities, Assets, &c.

SEC. 3. *Be it further enacted*, That the Charter of the Nonconer Pike Company, passed May 24, 1866, be so amended as to empower said Company to level the bottom and build the bridges across Nonconer bottom, on each of the following roads, viz: on the Memphis and Hollow Ford Road, on the Memphis and Hernando Road, and on the Memphis and Hornlake Road; and that said Company have the same powers and privileges of putting up a gate, and collecting like tolls, on each of these said roads, as have been granted them on the Memphis and Pigeon Roost Road; and that all the powers, privileges, regulations and restrictions, already granted to them on the Pigeon Roost Road, are hereby granted to them on each of these other said roads; and in addition thereto, the right to take and use any dirt, stone, gravel, or timber, within sixty feet, on each side, from the centre of each of said roads, for the construction and repairs of the same; and that said Com- Nonconer Pike Company.
Powers and Privileges.

Mississippi
Val. Ins.
Company.

pany shall have two years from the date of this amendment in which to complete each of these roads.

SEC. 4. *Be it further enacted*, That the Mississippi Valley Insurance Company, of the City of Memphis, shall have succession for sixty-three years from the date of its Charter.

SEC. 5. *Be it further enacted*, That this Act shall take effect from its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 4, 1867.

CHAPTER LI.

AN ACT to Incorporate the National Insurance Company, of Nashville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. B. White, John Ramage, George Searight, Henry C. Thornton and James Bankhead, and their associates and successors, be, and they are hereby created, a body politic and corporate, by the name and style of the "National Insurance Company," of Nashville, and by that name shall have succession for thirty years; sue and be sued, plead and be impleaded; and, generally, to do every act and thing necessary and proper to carry out the provisions of this Act, and to promote the objects and designs of this Corporation.

Capital Stock. SEC. 2. *Be it further enacted*, That the Capital Stock of said Corporation shall be one hundred thousand dollars, with the privilege of increasing the same to an amount not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each; and the persons above named shall open books for the subscription of stock, after giving such previous public notice as they may agree upon, and when fifty thousand dollars shall have been subscribed, and the sum of twenty per cent. in cash paid thereon, the Stockholders may meet and elect five Directors, and said Directors shall

Election of
Directors.

elect one of their number President, during their term of office, and also elect a Secretary.

SEC. 3. *Be it further enacted*, That the affairs of said institution shall be managed by a Board of Directors, consisting of not less than five, and such agents and officers as they shall appoint. The Secretary and President shall be elected every two years, by the Directors; and all vacancies happening in said Board, or in any of said offices, may be filled by the acting Directors for the remainder of the term for which they were elected or appointed. The Board shall have power to declare, by by-laws, what number of Directors, less than the whole, shall constitute a quorum for the transaction of business, and the time and place of holding the biennial election. The Directors shall have power to require security for the payment of all stock subscribed and not paid in; and generally to adopt that course that they may think best calculated to advance the interests of this Corporation: *Provided*, the by-laws, conduct and proceedings of said Company, shall, in no way be inconsistent with the Constitution and laws of the United States, or of this State. Management.

By-Laws.

SEC. 4. *Be it further enacted*, That the said Corporation shall have full power and authority to make insurance on goods, wares and merchandise in transit, by land and sea, or water; and generally on all kinds of buildings, goods, wares and merchandise, and effects; together with every species of property, pursuit or business in the prosecution of which there is any risk or loss, at such rate of premium and upon such terms and conditions as may be agreed upon. And said Corporation shall have power to contract for, grant and sell annuities and reversionary payments, and to make, execute and perfect such contracts; and any such contract, bargain, agreement, policy or other instrument, to be made by said Corporation, shall be in writing or print, under the corporate seal, signed by the President and attested by the Secretary, or other officer who may be appointed by the Directors for that purpose. What may In-
sure.

Contracts.

SEC. 5. *Be it further enacted*, That the Directors of said Corporation shall, on the first Mondays of January and July in each and every year, declare and divide so much of the profits of said Corporation as shall appear advisable to them, deducting all losses and expenses, and pay the said dividends to the respective Stockholders, or their duly empowered agents; but the money received as premiums on risks which remains undetermined and outstanding at the time of declaring such Annual Divi-
dend.

Outstanding
Risks.

dividends, shall not then be considered as part of the profits of said Corporation, or divided as such; and when a loss shall happen, whereby the Capital Stock of said Corporation shall be lessened, no subsequent dividend shall be made until a sum equal to such diminution shall have been added to said Capital Stock.

Voting.

SEC. 6. *Be it further enacted*, That in the election of said Directors, each Stockholder shall be entitled to cast as many votes as he has or owns shares of stock; and each Stockholder may be represented in said election by proxy.

Taxes.

SEC. 7. *Be it further enacted*, That said Corporation shall pay to the State of Tennessee an annual tax, equal to other similar corporations, and in proportion to its Capital Stock paid in from time to time.

Merchants'
and Manufac-
turers' Mutu-
al Insurance
Company.

SEC. 8. *Be it further enacted*, That Robert B. Castleman, George C. Allen, William H. Gordon, P. W. Maxey, Nick. Hobson, Isaac Litton, E. H. East and A. F. Goff, their associates and successors, shall be, and are hereby made a body corporate and politic, by the name and style of the "Merchants' and Manufacturers' Mutual Insurance Company, of Nashville," for the purpose of insuring property of all kinds against loss and damage by fire, and the perils of the sea, and inland navigation and transportation; and under the same name shall have succession for ninety-nine years; and be able to sue and be sued, plead and be impleaded, in all courts of law and equity; and to make and use a common seal, and to change the same at pleasure.

Powers.

Business.

SEC. 9. *Be it further enacted*, That the business of said Company shall be conducted under such rules and regulations as may be, from time to time, adopted by the Directors, if consistent with the laws of the State and the provisions of this Act.

Organisation.

SEC. 10. *Be it further enacted*, That whenever premiums, in advance, for insurance, to the amount of fifty thousand dollars, shall have been received, the said Company shall be fully empowered to organize, and to do and perform all business authorized by this Act of Incorporation. And the said Corporation is hereby authorized to subscribe and have a guarantee capital of at least fifty thousand dollars, divided into shares of one hundred dollars each, which may be increased to any amount not exceeding one million of dollars. And the first Board of Directors of said Company shall be Commissioners to receive subscriptions to said capital, at the office of said Company in Nashville, at such times and in such manner, after ten days' notice,

Capital.

Subscriptions

published in at least two newspapers printed in Nashville, as they may deem proper. At the time of subscribing to said Capital Stock twenty-five dollars on each share shall be paid in cash, and the remainder paid, or secured to be paid, within six months thereafter, to the satisfaction of the Directors.

SEC. 11. *Be it further enacted*, That each share of the Capital Stock shall entitle the holder thereof to one vote at all regular meetings of the Stockholders; and each policy holder shall be entitled to one vote for Directors for each one hundred dollars of premiums paid by him for insurance during the previous year. Voting.

SEC. 12. *Be it further enacted*, That at the first meeting after the said amount of premiums for insurance shall have been received, the Directors of said Corporation shall elect one President and one Vice President, and appoint one Secretary and one Treasurer, who shall serve during good behaviour, or until others are elected in their stead. And the Directors shall have power to appoint and employ such other officers and servants, and establish such agencies, as the interests of said Company may require; the duties of such officers, servants and agents, to be prescribed in the regulations of said Company. Election of Officers, &c.

SEC. 13. *Be it further enacted*, That the funds of said Corporation may be invested in such loans and purchases as are permitted to the other Insurance Companies of Nashville, and upon bottomry and respondentia bonds; and the said Corporation may purchase and hold such real estate as may be necessary and convenient for the transaction of its business. Investment of Funds.

SEC. 14. *Be it further enacted*, That whenever the net surplus receipts of the said Company, over losses, expenses, and a fund sufficient to re-insure all outstanding risks, shall be sufficient for the purpose, the said surplus may be divided among the policy and Stockholders, in such manner as may seem to the Directors best for the interests of said Company: *Provided*, that no dividend to exceed in amount seventy-five per cent. of the declared profits, shall, in any one year, be paid to the Stockholders. Surplus funds

SEC. 15. *Be it further enacted*, That on the first Wednesday of February of each year, after organization of said Corporation, the Stockholders and Policyholders entitled to vote, shall meet at the office of said Company and elect, from among the Stockholders, a number of Directors, not less than thirteen nor more than ninety-nine, who shall serve for one year, or until Annual Election.

others are elected in their stead. The first members of said Company, with the persons named in the first section of this Act, shall be Directors during the first year.

Policies.

SEC. 16. *Be it further enacted*, That all policies of insurance, and other contracts entered into by this Company, shall be signed by the President and Secretary, and sealed with the seal of said Company.

Taxes.

SEC. 17. *Be it further enacted*, That this Corporation shall be subject to such tax as similar incorporations are in this State.

Tenn. Ins. Co.

SEC. 18. *Be it further enacted*, That R. B. Hurt, J. H. Harper, R. W. Hall, J. W. Glass, and their associates, be, and they are hereby constituted, a body politic and corporate, under the name and style of "The Tennessee Insurance Company," to be located at Jackson, Tennessee, with succession for thirty years; and under that name and style, shall have all the powers and privileges, and be subject to the same restrictions, as the Nashville Insurance Company, of Nashville, chartered by this Act.

Powers.

Memphis
Railroad
Transfer Co.

SEC. 19. *Be it further enacted*, That J. S. Welkins, P. M. Patterson and Joseph Gothard, are hereby incorporated a body politic and corporate, under the name and style of the "Memphis Railroad Transfer Company, of the City of Memphis;" may sue and be sued, plead and be impleaded, have and use a common seal, and enjoy all the rights, privileges and immunities usual to such corporations, for thirty years.

May build
Railroad.

SEC. 20. *Be it further enacted*, That said Corporation, for the purposes of transporting freights between the various railroads and the river, are hereby authorized and empowered to build a railroad from the depot of any railroad terminating in, at or near, the City of Memphis, by the most practicable route to the river, and for that purpose are hereby authorized to occupy and use any street, or highway, for said railroad. The road shall be built with as little inconvenience to the public as is practicable, and be a first class road; and the cars shall be propelled by animal power; and all laws in conflict with this section, are hereby repealed.

Capital Stock.

SEC. 21. *Be it further enacted*, That the Capital Stock shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but may be increased, by a vote of a majority of the Directors, to two hundred and fifty thousand dollars. A majority of the corporators above named, are hereby authorized to open books for subscription to the Capital Stock; and when the sum of fifty thousand dollars are sub-

scribed, the Stockholders may proceed to elect their Directors. Said Directors, when elected, shall elect one of their number President, who shall hold his office until his successor is elected. Said Board of Directors are hereby authorized to adopt such by-laws, rules and regulations, as may be necessary to successfully carry on the business of the Company, and to appoint all officers and agents, and dismiss the same at will. Organization.

SEC. 22. *Be it further enacted*, That nothing in this Act shall be so construed as to grant State aid to said road, or roads.

SEC. 23. *Be it further enacted*, That said Company shall pave any street occupied by the same, with such kind of pavement as may be adopted by the City authorities, inside of the rails and two feet on the outside of the same, and keep the same in good order, from time to time, as the City may direct. To Pave Streets.

SEC. 24. *Be it further enacted*, That said Company shall pay such reasonable tax as may be assessed upon them by the City of Memphis. And said Company shall not be allowed to construct said road without first obtaining the consent of the Board of Mayor and Aldermen of the City of Memphis. Taxes, &c

SEC. 25. *Be it further enacted*, That these corporations shall pay such taxes as may be assessed by the General Assembly of the State. And that this Act shall take effect, and be in full force, from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER LII.

AN ACT to Amend the Charter of the Memphis & Charleston Railroad Company, and for other purposes.

Preamble.

WHEREAS, a large portion of the Memphis and Charleston Railroad Company's Railroad was injured and destroyed by the late war, and the Company during the existence of the same was deprived of the possession and revenues of the road; *and whereas*, since peace has been restored, the said Company obtained possession of its road, and has created a floating debt on short time, in order to repair the said road and put it in running order, and in the purchase of a large number of locomotives, cars and materials, from the United States, and in the payment of interest on the bonds of the Company heretofore issued; *and whereas*, the necessities of the creditors aforesaid require payment of their dues before the same can be realized out of the income from the road: to this intent, and for this purpose,

May borrow
Money, Issue
Bonds, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Memphis & Charleston Railroad Company may, and shall have the power and authority, to borrow a sum, not exceeding one million of Dollars, for the purpose of liquidating and discharging the liabilities mentioned in the preamble to this Act; and in order to secure the payment of the same, the said Company is hereby authorized and empowered to make and issue its Bonds, in sums of one thousand dollars, for the sum aforesaid, payable not less than five years nor more than twenty years from date, with coupons attached, for the payment of interest semi-annually, at the rate of seven per cent. per annum.

Second Mortgage.

SEC. 2. *Be it further enacted*, That in order more perfectly to secure the ultimate payment of the principal and interest of the Bonds so to be issued, as aforesaid, the said Company is hereby authorized and empowered to execute a second mortgage on its Charter, Road, Works, and Depôts, with all the stipulations and conditions necessary to accomplish the intent and meaning of this Act; saving, however, and reserving, the lien heretofore created on said property, by mortgage, for the payment of the bonds therein specified, of which there are now outstanding, and unpaid, one million, two hundred and ninety-four thousand dollars; and, also, reserving to the State of Tennessee her priority

Reservations.

of a Statutory, and all liens in favor of said State for any and all loans made by said State under the General Internal Improvement Law of said State, and all amendments thereto. And the manner in which said Bonds and mortgages shall be made and executed, shall be prescribed by the Board of Directors of said Memphis & Charleston Railroad Company.

SEC. 3. *Be it further enacted*, That nothing in the foregoing provisions of this Act shall be ~~so~~ construed State lien. as to deprive the State of any lien secured, by mortgage or otherwise, on the entire property or effects of said Memphis & Charleston Railroad Company.

SEC. 4. *Be it further enacted*, That so much of section 12 of An Act passed May 26, 1866, entitled "An Directors
Tenn. Peni-
tentiary. Act to Pay the Current Expenses of the Legislature, and for other purposes," as allows the Directors of the State Penitentiary the sum of five dollars per day, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That the Charter of the East Tennessee and Virginia Railroad Company, E. T. & Va.
E. R. Charter
Amended. shall be, and the same is hereby, so amended, that from and after the passage of this Act, and the acceptance thereof by the Board of Directors, in all elections to be held by the Stockholders under the Charter, each Stockholder shall be entitled to one vote for each and every share of stock paid in or owned by him in said Voting. Company.

SEC. 6. *Be it further enacted*, That said Charter shall be so amended, that from and after the passage Fare and
Freights. of this Act, and the acceptance thereof by the Board of Directors of said Company, it shall be lawful for the said Company to receive and collect the same rate of fare and freights as are allowed by the general laws of the State.

SEC. 7. *Be it further enacted*, That the Governor shall appoint Directors in each Railroad Company of Governor to
appoint Di-
rectors to all
Railroads. this State in proportion to the amount of aid received by said Company, whether the aid has been received by the issuance of Bonds of the State, or endorsing Bonds of the said Railroad Companies.

SEC. 8. *Be it further enacted*, That section 7 of chapter 33, passed 9th June, 1865, granting permission Turnpike
Roads to com-
ply with
Charter. to Turnpike Companies to collect toll, when said Turnpike roads were not in such order according to the Charter granted, authorizing said roads to collect toll, be, and the same is hereby repealed; and no road shall collect toll unless the provisions of the original Charter

be complied with in twenty days after the passage of this Act.

**Bonds to Mis-
Central R. R.** SEC. 9. *Be it further enacted,* That the Governor be, and is hereby authorized to issue one hundred and fifty thousand dollars in Bonds to the Mississippi Central Railroad, upon the same terms and conditions as the Bonds were issued to the several Railroads in An Act passed January 18, 1866, entitled "An Act to amend An Act to establish a system of Internal Improvements, passed the 11th of February, 1852."

SEC. 10. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 7, 1867.

CHAPTER LIII.

AN ACT to Incorporate the University Place Hotel, and for other purposes.

**Rights, Pow-
ers, &c.** SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That G. B. Fairbanks, James B. Craighead, Henry A. Coldwell, A. S. Colyar, and such other persons as may become Stockholders of the Capital Stock of the Company hereinafter incorporated, and their successors to the rights hereby conferred, be, and the same are hereby constituted a body politic and corporate, by whatever name they may select, for the purpose of building a Hotel at University Place, and by their corporate name may sue and be sued, plead and be impleaded, contract and be contracted with, purchase and dispose of personal and real property, for the benefit of said Company; and may have and use a common seal.

Same.

SEC. 2. *Be it further enacted,* That said Company shall have all the powers, rights and privileges, and subject to the same restrictions and conditions as are

contained in the Act to incorporate the Hotel at Memphis, passed February 25, 1854.

SEC. 3. *Be it further enacted*, That John G. Eve, William A. Dozier, Andrew G. Shells and Alexander Calder, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Gentry Mining Company," and by that name shall have succession for thirty years; may contract and be contracted with, sue and be sued, plead and be impleaded in all Courts and places; have a common seal, and alter and break the same at pleasure; may make all necessary by-laws for the transaction of the business and Government of said Company, not inconsistent with the Constitution of this State, or of the United States.

Gentry Mining Company.

Rights, Powers, &c.

SEC. 4. *Be it further enacted*, That said Company shall have power to appoint any one or more of its members, or other persons, to manage, contract, or direct the business of said Company, according to the by-laws, rules and regulations, which said Company may adopt.

Same.

SEC. 5. *Be it further enacted*, That said Company may acquire, and hold, such real and personal estate, by contract, as they may deem necessary or proper for the carrying on the mining of Iron, Lead, Copper, or other valuable mineral substances; the procuring and manufacture of lumber, and the transportation thereof to market; together with such quantities of land as may be necessary for the establishment of mills and landings, machinery and depots, for the same. And if such land cannot be procured, said Company may have the same condemned, by filing its petition, for that purpose, with the Clerk of the County Court in which it is situated, and obtaining thereon the necessary writs of *ad quod damnam*, and procuring the regular condemnation thereof, as required by law for the condemnation of lands for the use of turnpike roads; *Provided*, however, that no property shall be so taken without the value thereof having been first paid.

May hold real and personal estate, &c.

May condemn land.

SEC. 6. *Be it further enacted*, That the said Company, when fully organized, shall cause a book to be opened, which shall contain the names of all the members of said Company, and the number of shares owned by each; and the said shares may be transferred on, said books, in the manner to be precribed by the by-laws of said Company; and each member may share the profits and liabilities of said Company to the extent of,

Books to be opened.

and in proportion to, the amount of capital stock he owns in said Company.

Banking.

SEC. 7. *Be it further enacted*, That nothing contained in this charter shall be construed into conferring banking powers upon this Company.

Friendly Sons of St. Patrick. SEC. 8. *Be it further enacted*, That J. J. Murphy, M. Mageveng, Jr., James G. Barbour, John Delany, T. M. Halpier, James G. Simpson, and all who now are,

and who shall hereafter become, members and officers of the society known by the name and style of the "Friendly Sons of Saint Patrick," in the the City of Memphis and County of Shelby, be, and the same are hereby constituted a body politic and corporate, with ninety-nine years succession, under the name and style aforesaid, with full powers, in their said corporate capacity, to contract and be contracted with, sue and be sued, plead and be impleaded; purchase and hold personal and real property, stock and incorporate hereditaments, and dispose of the same, in such manner as the said association may deem most expedient.

Powers.

Same.

SEC. 9. *Be it further enacted*, That the said Friendly Sons of St. Patrick, may use a common seal, and change the same at pleasure; and enact, from time to time, such by-laws, rules and regulations, as may be required for the good order and government of said society, not inconsistent with the Constitution and laws of the United States, or of the State of Tennessee; and do and perform all other acts, for their benefit, not inconsistent with the privileges herein granted.

Shelby Cotton and Woolen Manuf. Co.

SEC. 10. *Be it further enacted*, That Jno. Dorunau, T. P. Ware, W. B. Grunlay, S. D. McClain and G. G. Graves, are hereby incorporated, under the name and style of the "Shelby Cotton and Woolen Manufacturing Company," to be located in the County of Shelby, or such other county as the Stockholders may select, with all the rights, powers and privileges, and restrictions, as are granted in the foregoing Act chartering the Nashville Cotton Mills, of Nashville, Tennessee.

Nashville Cotton Mills.

SEC. 11. *Be it further enacted*, That a company is hereby incorporated, by the name and style of the "Nashville Cotton Mills," for the purpose of eugaging in such manufacturing operations as they may see proper, and consider most advantageous to themselves and the public. Such corporation shall be organized as hereinafter prescribed, and have succession for ninety-nine years; use a common seal, make by-laws for its government, sue and be sued, hold, purchase and trans-

fer real and personal property; and do and perform all such other acts, and enjoy all such rights, powers and privileges, as are incident to corporations, by the laws of the land.

SEC. 12. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each; which shall be considered, in law, as personal property. The capital stock shall consist of not less than one nor more than ten thousand shares. It shall not be transferred, except upon the books of the company, and only with the consent of a majority of the Board of Directors in session, until fully paid. The Board shall have power to declare forfeited to the company, any shares of stock which may not be paid up as called upon, notice, or the subscriber may be sued for such calls, and the same collected by law. Calls shall be made by twenty days' notice in some newspaper of Nashville; and no forfeiture shall be declared, or suit brought, unless such notice is given by publication. Capital Stock.

SEC. 13. *Be it further enacted*, That all Stock-holders who have failed to pay the calls made upon their stock, shall be individually liable for such arrears, to any creditor of the company. Liability.

SEC. 14. *Be it further enacted*, That Daniel Hillman, John Kirkman, Joseph Wallen, John M. Bass, A. V. S. Lindsley, Robert H. Gardner, John B. Johnson, Wm. H. Evans, J. B. Hoyte, T. A. Atchison, Jos. C. McCrory, Samuel Watkins, James Kendrick, M. Burns and W. W. Berry, are hereby appointed Commissioners, who, or any five, or more, of them, may, after having given ten days' notice of the time and place, open books for subscription to the capital stock, and may keep such books open until the number of shares required shall be taken, within the limits designated. So soon as the number of shares agreed upon by the acting Commissioners shall be taken, they shall give notice for ten, or more, days, in some public newspaper in Nashville, for the meeting of the shareholders, at a time and place designated, for the purpose of completing their organization, by the election of five Directors, out of their own number. Each stockholder shall be entitled to one vote for every share he may have taken. The vote shall be given in person, or by written proxy. The same rule shall apply to voting on any question that may come before the stockholders, at any time. The Board of Directors shall elect one of their own number as President. They shall hold their offices for one year, Commission-
ers.

Books.

Meeting.

Voting.

Same.

Officers.

Annual Meetings.

President's Report.

Southern Car Manf. and Building Association.

Capital Stock.

and until their successors are elected. The powers and duties of the President, as well as his compensation, shall be prescribed and fixed by the Board of Directors. In the election of Directors, no stockholder shall vote who has not paid up all calls made upon his stock; nor shall he have a vote upon any other question, or be eligible to any appointment or office. The President and Directors shall elect, appoint or employ, all other officers, agents, or managers, that may be necessary for conducting the business and the affairs of the corporation, and prescribe their duties and compensation; and do and transact, in behalf of the company, all such other acts as may be incident to such bodies, and necessary for the successful prosecution of any manufacturing business in which they may engage, under the charter. They shall have a Secretary, who shall be required to keep a regular, faithful record, in a well bound book, of all their acts and proceedings; as well as that of the meetings of the stockholders, who are expected to assemble once in each year, to examine into the transactions of the Board and its agents, elect Directors, and do and direct whatever the interest of the company may require. Such books shall be open to the inspection of any shareholder, at all times.

SEC. 15. *Be it further enacted*, That at the annual meeting of the stockholders, it shall be the duty of the President to have a full report laid before them, of the condition of the business; its expenditures, losses, gains and profits; together with his views and plans for its future operations.

SEC. 16. *Be it further enacted*, That Hume F. Hill, L. V. Dixon, and their associates and successors, be, and they are hereby created, a body politic and corporate, by the name and style of "Southern Car Manufacturing and Building Association, of Memphis, Tennessee," and by the name and style, have succession for ninety-nine years; sue and be sued, plead and be impleaded with, and generally to do every thing necessary and proper to carry out the provisions of this Act, and to promote the objects and designs of this corporation.

SEC. 17. *Be it further enacted*, That the capital stock of said company, or association, shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of fifty dollars each. And the persons above named, shall open books for the subscription of stock; and when twenty thousand dollars shall have been sub-

scribed, (either in machinery or money,) the Stockholders shall meet and elect five Directors; and said ^{Election:} Directors shall elect one of their number President, and also, a Secretary.

SEC. 18. *Be it further enacted,* That the affairs of said company shall be managed by a Board of Directors, ^{How man-} consisting of not less than five, and such agents and of- ^{aged.} ficers as they may appoint. The Secretary and President shall be elected every year, by the Directors. And all vacancies happening in said Board, or in any of ^{Vacancies.} said offices, may be filled by the acting Directors, for the remainder of the term for which they were appointed. The Board shall have power to establish by- ^{By-Laws.} laws, for the government of said company, and may alter the same, whenever it may be deemed proper for them to do so. The Directors shall have power to require security for the payment of all stock not paid in.

SEC. 19. *Be it further enacted,* That the purpose, ^{Purpose and} business, and object of said company, are to procure and ^{business of} prepare all material, implements, machinery and tools, ^{Company.} necessary, proper, or convenient, for the purpose of manufacturing all and any kind of railroad cars, doors, sash, blinds, and all other building material; to contract for, and build houses, of any and every description; to build bridges, of any and all kinds, in or out of the City of Memphis; to use machinery, by steam, or otherwise, for dressing lumber, wood, or iron; to manufacture, in any way, or by any power, all such articles, or any of them; to use, barter, sell, or exchange the same, at their place of business, in Memphis, Tennessee, or elsewhere. And the said company, ^{Powers.} is hereby fully empowered, and authorized, to do and perform any, and all such acts; and to erect buildings; and do any, and all things which are necessary, or convenient, in, about, or concerning such business, purpose and object. And the said company may make, or have executed to them, mortgage deeds of trust on real or personal property, or both, when necessary, or prudent in their business, or in order to secure debts due, or to become due, by, or to said company.

SEC. 20. *Be it further enacted,* That each sub- ^{Liability.} scriber for stock in said corporation, shall be individually liable only for the amount by such person subscribed, and only until the amount so subscribed is paid in. This company shall have and enjoy all the rights, privileges and immunities, granted by this Legislature to any manufacturing company.

Seal, Tax, &c. SEC. 21. *Be it further enacted,* That this company shall have a common seal; and by its corporate name and style, have power to transact all its business, in the corporate name. This company shall pay such tax as are paid by similar corporations of the State of Tennessee.

Memphis Teul and Transportation Company SEC. 22. *Be it further enacted,* That W. C. Postal, F. S. Richards, Rolfe S. Saunders, James H. Tschrodi, and their associates, or assigns, are hereby incorporated a body politic and corporate, under the name and style of "The Memphis Teul and Transportation Company;" and by that name may sue and be sued, plead and be impleaded, have and use a common seal, and alter the same at pleasure; may buy, hold, and sell real estate and personal property, and convey the same; may transport and carry freights, passengers, wood, lumber; and do all things necessary to carry out the objects of the company, for a period of fifty years, that is not inconsistent with the laws of this State, or the United States.

Powers, &c. SEC. 23. *Be it further enacted,* That its capital shall be fifty thousand dollars, divided in shares of fifty dollars each, but may be increased by a majority vote of the Directors, from time to time, to a sum not to exceed five hundred thousand dollars; and that the incorporators above named, or a majority of them, are hereby authorized to open books for subscription to the capital stock; and when the sum of fifty thousand dollars shall have been subscribed, the subscribers, or stockholders, may proceed to elect five of their number as a Board of Directors, who shall serve for one year, or until their successors are elected; and said Board of Directors shall elect one of their number President, and may also adopt such by-laws, rules, rates and regulations, as will best promote the objects and interests of the Company; may appoint officers and agents, and dismiss the same at will.

Capital Stock SEC. 24. *Be it further enacted,* That the Clarksville and Russellville Turnpike Company, be, and are hereby authorized, to issue the bonds of said Company in sums of \$500 or \$1000. The whole amount not to exceed five thousand dollars, bearing interest at the rate of six per centum per annum, payable semi-annually, with coupons attached, for the same, under the same rules and restrictions provided by the Act passed Nov. 16, 1865, for the benefit of said Company.

Books SEC. 25. *Be it further enacted,* That J. O. Shackelford, J. Elder and P. Wring, and their associates and

Clarksville & Russellville Turnpike Co.

Organisation

successors, be, and are hereby constituted and created, a body politic and corporate, under the name of the **Clarksville Savings Institution**, with all the rights, powers and privileges and duties, by law granted or imposed in the Charter of the Bluff City Savings Institution, passed by the said General Assembly, May 24, 1866.

SEC. 26. *Be it further enacted*, That Joshua Elder, J. O. Shackelford, T. W. King, and their associates, are hereby incorporated a body politic and corporate, under the name and style of "Clarksville Insurance Company," with all the rights, privileges and immunities granted to the National Insurance Company, in An Act passed Nov. 17th, 1865, for a period of thirty-three years. **Clarksville Insurance Co.**

SEC. 27. *Be it further enacted*, That T. F. Pettus and W. Poindexter, and their associates and successors, be, and are hereby constituted a body politic and corporate, under the name and style of the "New Providence Savings Institution," with all the rights, powers and privileges, and subject to all the pains and penalties in the Charter of the Bluff City Savings Institution, passed May 24, 1866. **New Providence Savings Institution**

SEC. 28. *Be it further enacted*, That A. V. S. Linsley, Joseph Nash, J. H. Buddeke, Jacob Steifel, James Doyle, and their associates and assigns, be, and are hereby constituted a body politic and corporate, under the name and style of the "Dollar Savings and Trust Company," to have succession of thirty years, with such powers and privileges, and subject to such duties and liabilities as are conferred and imposed by An Act passed May 24, 1866, upon the Bluff City Savings Institution; *Provided*, That said Dollar Savings and Trust Company shall not have power to issue Notes, or other evidences of debt, to circulate as money; and shall be subject to such taxation as may be imposed by law on similar institutions, or upon corporations and individuals exercising similar privileges; and *provided further*, that so much of said Act as authorizes deposits to be converted into stock, is excepted from the provisions of this Act; and said Company shall have its principal office in Nashville. **Dollar Savings and Trust Co. Provisos**

SEC. 29. *Be it further enacted*, That R. B. Hunt, T. C. Muse, J. H. Harper, N. H. Whitlow, and their associates and successors, be incorporated by the name of "Metropolitan Hotel Company," at Jackson, Tenn., with a capital stock not exceeding one hundred thousand dollars, in shares of one hundred dollars, with all **Metropolitan Hotel Comp'y**

the powers, privileges and immunities, and subject to all liabilities conferred by the Act to incorporate the Hotel at Memphis, passed February 25, 1854; and that said Company hereby incorporated, may organize upon ten thousand dollars being subscribed.

Robertson Co. Manuf'g Co. SEC. 30. *Be it further enacted*, That E. S. Cheatham, Jos. C. Start, E. M. Reynold, William Rankin, B. M. Cheatham, G. W. Darden and C. Palmer, and their successors, are hereby formed a body corporate and politic, by the name of "Robertson County Manufacturing Company," for the purpose of manufacturing furniture, cotton, and other articles; and the said Company is empowered to make and use a common seal, the same to change at pleasure; to make such bye-laws, not inconsistent with the laws of the State, or of the United States, as may be necessary or useful, and have succession ninety-nine years; and hold by purchase or otherwise, and to dispose of the same, any real estate or personal property which may be convenient for carrying on its operations, or which it may become possessed of, in payment of debts due to it.

Powers, etc.

Capital Stock

SEC. 31. *Be it further enacted*, That the capital stock of said Company shall be divided into shares of one hundred dollars each; shall consist of twenty-five hundred shares, or less; shall be transferred only on the books of the Company, and then only by the consent of the Board of Directors, unless the whole amount of installments due thereon shall have been paid. The Company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part; or it may, at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction of such sum; first, however, giving thirty days' notice of such call having been made.

Organization SEC. 32. *Be it further enacted*, That whenever three hundred shares of the capital stock of said Company shall have been subscribed for, the said Company shall proceed to elect five Directors, who, with a President to be elected from their own body, shall manage the affairs of said corporation, and may hold their offices for the term of one year, or until their successors are elected and qualified.

Donnell Inst'e SEC. 33. *Be it further enacted*, That An Act passed March 21, 1860, to incorporate the Robert Donnell University, located at Winchester, be so amended as to change the name to Donnell Institute.

De Soto Bank SEC. 34. *Be it further enacted*, That the name of the

De Soto Savings Institute, located in the City of Memphis, in this State, be changed to the De Soto Bank.

SEC. 35. *Be it further enacted*, That W. B. Greenlaw, R. C. Brinckley, James E. Merriman, Charles Jones, Sam. Tate, W. H. Fitch, Jr., Thomas G. Smith, S. P. Read, and their associates and successors, be, and the same are hereby, incorporated a body politic and corporate, under the name and style of the "People's Insurance Company, of the City of Memphis." The Capital Stock. The capital stock to be not less than three hundred thousand dollars, and to be paid in under such rules and regulations as the Board of Directors may enact; but said stock may be increased, from time to time, by a vote of a majority of the Board of Directors, to an amount not to exceed one million dollars. And to have and enjoy all the rights, privileges and immunities, granted to the National Insurance Company of Nashville, passed November 17, 1865, for a period of thirty-three years.

SEC. 36. *Be it further enacted*, That William M. Hall, Edward Strange, Sam. P. Bernard, William Goodman, R. H. Munford, James Grant and Thos. J. Sumerville, be, and they are hereby created, a body politic and corporate, under the name and style of the "Covington Manufacturing Company;" and by that name, shall be authorized to contract and be contracted with, sue and be sued, have and use a common seal; buy, hold, and sell real estate, for the purposes herein- Powers. after set forth; and be governed by the general laws in regard to similar corporations in this State, for ninety-nine years.

SEC. 37. *Be it further enacted*, That the capital stock of the Covington Manufacturing Company, shall be fifty thousand dollars, which may be increased, from time to time, as the Directors may determine, to five hundred thousand dollars, to be divided into shares of fifty dollars each. Capital Stock.

SEC. 38. *Be it further enacted*, That the business of this company shall be conducted by seven Directors, to be elected by the Stockholders, at such time and place as the corporators named in this Act may publicly designate. And the corporators named in this Act, may open books for the subscription of stock; and do all acts, preliminary, necessary for the organization of this Company. How managed

SEC. 39. *Be it further enacted*, That the Board of Directors shall elect a President, and such other officers and agents as they may deem proper; and establish Election of Officers, &c.

such rules, regulations and by-laws, as may be found necessary for the convenient management and conduct of the business of this corporation.

Purposes, &c.

SEC. 40. *Be it further enacted*, That the Covington Manufacturing Company shall be authorized to erect buildings, machinery, mills, and all fixtures necessary and suitable for the manufacture of wool, or cotton, or iron, or wooden ware, furniture, fur grinding wheat or corn, or manufacturing leather, or making any articles, entering into commerce or domestic use in the State of Tennessee.

SEC. 41. *Be it further enacted*, That this Act shall continue in force for ninety-nine years.

Knoxville
Union Mer-
cantile Co.

SEC. 42. *Be it further enacted*, That J. W. North, Horace Foster, J. R. Ludlow, M. L. Hall, John R. Henry, J. H. Mynatt, M. D. Bearden, Joseph A. Cooper, G. W. Weaver, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Knoxville Union Mercantile Company," and by that name and style shall have succession for ninety-nine years, with full powers to contract and be contracted with, sue and be sued in that name, in any Court of law and equity whatever; and in general to plead and be impleaded, and do every thing necessary and proper to carry out the provisions of this Act, and promote the objects and designs of this Corporation; also, to have and use a seal, and alter the same at will.

Powers, &c.

Same.

SEC. 43. *Be it further enacted*, That said Corporation shall have power to draft a Constitution and By-Laws, and to alter, change or amend the same at pleasure, in whole or in part; *Provided*, that nothing therein contained shall be repugnant to the Constitution and laws of this State, or of the United States.

Same.

SEC. 44. *Be it further enacted*, That said Company shall have full power to purchase, hold and dispose of such real estate, goods, chattels, leases, personal property and merchandise, as may be necessary for the legitimate transaction of their business; to manufacture and sell in and out of this State; also, issue such number of shares of stock of said Company, at the representative par value thereof, as may be ordered by a vote of said Company; to determine the par value of shares, and have the right to pay in shares of stock of the Corporation for such interest as the Company may deem best suited to the successful promotion of business; and generally to have, enjoy and exercise all

Shares &c.

rights and privileges incident to corporations, except the right to issue notes or engage in banking.

SEC. 45. *Be it further enacted*, That the capital stock of said Company shall not be less than fifty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars, to be divided into shares of five hundred dollars each.

SEC. 46. *Be it further enacted*, That whenever said Company shall become possessed of sufficient business interests in this State, or elsewhere, a separate and distinct interest may be created under such name as may be adopted to distinguish the same, and likewise may organize and enjoy, as a branch, all the rights and privileges named in this Act.

SEC. 47. *Be it further enacted*, That John W. Megibbin, W. W. Coleman, J. Q. Megibbin, W. H. Rhea, Wm. Forrest, Jr., and J. W. Smith, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate by the name and style of the "Memphis Agricultural and Mechanical Association, of Memphis," and by that name and style shall have succession for thirty years, with power to contract and be contracted with, to sue and be sued; have a common seal, to make and establish rules, regulations and by-laws, for the government of said Company.

SEC. 48. *Be it further enacted*, That the capital stock of said Company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, to be divided into shares of one hundred dollars each; and when the sum of twenty thousand shall have been subscribed, the stockholders may elect their officers.

SEC. 49. *Be it further enacted*, That all the powers, privileges, rights and immunities, with all the restrictions and liabilities conferred upon and granted to the Central Agricultural and Mechanical Fair of South-Western Kentucky and West Tennessee, by An Act, passed the 23d, day of May, 1866, entitled "An Act to incorporate the Otsego Mining and Petroleum Company, and for other purposes," the whole being embraced in sections 18 to 25, inclusive, of said Act.

SEC. 50. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER LIV.

AN ACT to Amend An Act passed November 18, 1853, entitled, "An Act to Charter the Cincinnati, Cumberland Gap & Charleston Railroad Company, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the third section of the Act incorporating the Cincinnati, Cumberland Gap & Charleston Railroad Company, be, and the same is hereby so amended, that, at all elections held by the stockholders of said Company, when a vote is to be taken, or necessary to be taken, each stockholder shall be entitled to vote, in person or by proxy, and shall be entitled to one vote for each and every share owned in said Company.

Elections.

Fare and Fr'ts

SEC. 2. *Be it further enacted,* That from and after the passage of this Act, said Company shall be entitled to have, receive, and collect the same rates of fare and freights, that the East Tennessee and Georgia Railroad is now allowed by law, to collect.

Governor to
issue Bonds to
build Bridge

SEC. 3. *Be it further enacted,* That whenever it shall appear to the Governor of the State, by the certificate of the Chief Engineer of the Cincinnati, Cumberland Gap & Charleston Railroad Company, under oath, that the road-bed from Morristown to Holston River, is graded and ready for the timber and iron, and that the cross-ties are ready to be laid down, it shall be the duty of the Governor of the State to issue to said Company, the Bonds of the State of Tennessee, for the building of the bridge across said river, heretofore appropriated for that purpose.

Cin. Cumber-
land Gap &
Charleston
Railroad

SEC. 4. *Be it further enacted,* That whenever it shall appear to the Governor, by the certificate of the Chief Engineer of the Cincinnati, Cumberland Gap & Charleston Railroad Company, under oath, that a section of ten miles or more of said road, North of the intersection of the East Tennessee and Virginia Railroad at Morristown, has been graded, and that the timbers are ready to be laid down, it shall be the duty of the Governor to issue the Bonds of the State for the ironing and equipping said road, issuing the sum of ten thousand dollars per mile, as now provided by law, or at that rate for every mile and fraction of a

Gov'r to is-
sue Bonds

mile, if over ten miles, so shown to be graded, south of Clinch Mountain.

SEC. 5. *Be it further enacted*, That in estimating Side-tracks the length of road-bed on said road, all side-tracks shown to be necessary for the proper use and running of said road, by the sworn statement of the Chief Engineer, shall be estimated.

SEC. 6. *Be it further enacted*, That it shall and Weight of Rail may be lawful for the Cincinnati, Cumberland Gap & Charleston Railroad Company, to use an iron rail weighing fifty pounds to the linear yard; *Provided*, that the Chief Engineer of said Company shall be of opinion that the same will be sufficient to make a first-class road.

SEC. 7. *Be it further enacted*, That the Charter of the East Tennessee and Virginia Railroad Company East Tenn. & Va. Railroad be so amended as to allow each Stockholder one vote Cht'r amen'd for each share owned.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER LV.

AN ACT for the benefit of the Nashville and Decatur Railroad Company, and for other purposes.

WHEREAS, By An Act of the General Assembly of the State of Tennessee, passed April 19, 1866, authorizing the Tennessee & Alabama Railroad Company, the Central Southern Railroad Company, and the Tennessee & Alabama Central Railroad, to consolidate their Companies into one Company, to be known and styled the Nashville & Decatur Railroad Company; *and whereas*, the Stockholders met at Columbia, Tennessee, on Wednesday, the 21st day of November, 1866, agreed to and confirmed the terms of consolidation; *and whereas*, at the said Stockholders' Conven-

Preamble

tion, there were fifteen Directors elected, to serve for the ensuing twelve months; therefore,

Consolidation confirmed SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the consolidation aforesaid, be, and the same is hereby as fully confirmed in all respects, as if the Convention had been held on the first Monday of May, 1866; and that the said consolidation, and all acts of said Convention, be, and the same are hereby declared valid.

Shares SEC. 2. *Be it further enacted,* That under the said consolidation, the shares of stock in said Company shall represent twenty-five dollars each.

May issue Bonds SEC. 3. *Be it further enacted,* That the Board of Directors of said Company, be, and the same are hereby authorized to aid in the construction of the Road south of Decatur, in the direction of Line Station, either by taking stock in the same, endorsing the Bonds of any Company, undertaking its construction, or by any other means in their power; and for that purpose, they are hereby authorized to issue the Bonds of the Company to an amount not to exceed one million dollars, upon such terms and conditions as a majority of the Board of Directors may elect; *Provided,* the interest on said Bonds shall not exceed ten per cent. per annum.

Preferred Stock, etc. SEC. 4. *Be it further enacted,* That a majority of the said Board of Directors be, and the same are hereby authorized, to issue, not exceeding five hundred thousand dollars of preferred stock in said consolidated Company, or to issue Income Bonds of said Company, to an amount not exceeding five hundred thousand dollars, at a rate of interest not to exceed two per cent. per annum, as they may elect; *Provided,* that nothing in this Act shall be so construed as to invalidate the lien or priority of the State against said Railroads hereby consolidated.

L. & N. R. R. SEC. 5. *Be it further enacted,* That the Louisville & Nashville Railroad Company are entitled to all the privileges of section 3, of this Act. And that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 8, 1867.

CHAPTER LVI.

AN ACT to Incorporate the Tennessee Mutual Life Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Kirkman, John B. Johnson, A. J. Duncan, James B. Craighead, James M. Hamilton, George R. Fairbank, R. B. Cheatham, Henry D. McKinny, Thos. D. Craighead, Robt. C. K. McNairy, Alex. Fall, Turner S. Foster, Michael Burns, A. A. Breast, and Daniel F. Carter, and all other persons who may hereafter associate with them, in the manner hereinafter prescribed, and their successors, be, and they are hereby created a body politic and corporate, by the name and style of the "Tennessee Mutual Life Insurance Company;" and by that name shall be competent to prosecute and defend actions of every kind before all courts of law and equity; may have a ^{Rights and} common seal, and change the same at pleasure; may ^{Powers} make and execute, alter and repeal, all such by-laws and regulations as may be necessary for the government of said Company and management of its business; *Provided*, the same are not inconsistent with the ^{Proviso} laws of the United States or of this State. The said Corporators shall have the power to insure their respective lives, and to make all and every insurance appertaining to or connected with, life risks, and to grant and purchase annuities.

SEC. 2. *Be it further enacted,* That the real es- ^{Rate of Insu-} tates which it shall be lawful for the said Corporation ^{rance} to hold, purchase, or convey, shall be such as shall be requisite for its business, or such as shall be acquired in the legitimate transaction of its business.

SEC. 3. *Be it further enacted,* That all persons who shall hereafter insure with said Company, and also their heirs, executors, administrators, and assigns, continuing to be insured in said Company, as hereinafter provided, shall thereby become members thereof, during the period they shall remain insured by said Company, and no longer. ^{Membership}

SEC. 4. *Be it further enacted,* That all the corporate powers of said Company shall be exercised by a ^{Trustees, etc.} Board of Trustees, and such officers and agents as they may appoint. The Board of Trustees shall con-

sist, for the first year, of the persons named in the first section, which number may be increased to twenty-four. They shall elect a President annually, and shall have power to determine what number of Trustees shall be a quorum for the transaction of business.

Term of Office

SEC. 5. *Be it further enacted*, That the Trustees shall, at their first meeting, divide themselves into four classes, numbered, one, two, three, and four, who shall respectively remain in office for one, two, three, and four years, respectively; and elections shall be held annually to fill the term of the outgoing Trustees; which persons, so elected, shall remain in office four years—a plurality of votes constituting a choice; but an insurance of five hundred dollars in amount, shall be necessary to entitle any member to a vote. The Board of Trustees may fill any vacancy which may occur in their Board, from death, resignation, or neglect for more than one year to attend the regular meetings of the Board. The election of Trustees shall be held on the first Tuesday of June in each year, at such place as shall be designated by the Board of Trustees, of which due notice shall be given by advertisement in some newspaper of general circulation in the city of Nashville, and the Board of Trustees shall appoint three of the members of said Company, Inspectors, to preside at such election.

Voting, Vacancies, etc.

Elections

Rate of Insurance

SEC. 6. *Be it further enacted*, That the Trustees may determine the rate of insurance, and the sum to be insured; *Provided*, that said Company shall not make any individual insurance for a greater amount than ten thousand dollars.

Members to pay Rates

SEC. 7. *Be it further enacted*, That every person who shall become a member of said Company by effecting insurance therein, shall, before he receive his policy, pay the rates that shall be fixed upon and determined by the Trustees; and no premium so paid, shall ever be withdrawn from said Company, except as hereinafter provided, but shall be liable to all the losses and expenses incurred by said Company.

May invest Premiums.

SEC. 8. *Be it further enacted*, That it shall be lawful for said Company to invest the said premiums in the securities hereinafter designated, and to sell, transfer and change the same, and re-invest the funds of said Corporation when the Trustees shall deem it expedient.

Funds.

SEC. 9. *Be it further enacted*, That the Trustees may invest, not exceeding one-half the funds of the Company, in public stocks of the United States, or of

this State, and the residue not so invested shall be invested in bonds and mortgages on unencumbered real estate within the State of Tennessee, on such terms as may be agreed, upon lawful interest. The real property, to secure such investment, shall, in every case, be worth at least twice the amount loaned, independently of the perishable improvements, thereon; and the said Trustees shall have power, on agreement with any person or persons, to whom payment, on account of the expiration of any life or lives insured, may become due, to assign any of such public stocks, or bonds, and mortgages, to pay such claim in whole or in part, which assignment shall be made by the President of the Board, under the seal of said Company; and the assignee or assignees thereof, shall, thereupon, be invested with all the rights and interests therein previously invested in said Company.

May assign
Stocks, bonds,
&c.

SEC. 10. *Be it further enacted*, That suits at law may be maintained by said Corporation against any of its members for any cause relating to the business of said Corporation; also suits at law may be prosecuted and maintained by any member against said Corporation, for losses by death, if payment is withheld more than three months after the Company is notified of such losses; and no member of said Company, not being in his individual capacity, a party to such a suit, shall be incompetent as a witness in any such cause on account of his being a member of said Company.

Suits at law.

Witness.

SEC. 11. *Be it further enacted*, That the officers of said Company at the expiration of five years from the time that the first policy bears date, and within thirty days thereafter, and during the first thirty days of the close of every subsequent period of five years, shall cause a balance to be struck of the affairs of the Company, in which they shall charge each member with a proportionate share of the losses and expenses of said Company, according to the original amount of premium paid by him, but in no case to exceed the amount of the premium. Each member shall be credited with the amount of said premiums, and also with a proportionate share of the profits of said Company derived from investments and earnings; and in the case of the death of any member of said Company, the amount standing to his credit at the last preceding striking of balance, as aforesaid, together with the proportion which shall be found to belong to him at the next subsequent striking of said balance, shall be paid over to his legal representatives

Balance of
affairs every
five years.

Death of
members.

- or assigns, within three months after the said last mentioned balance shall be struck. Any member of the Company who would be entitled to share in the profits, who shall have omitted to pay any premium or any periodical payment due from him to the Company, may be prohibited by the Trustees from sharing in the profits, and all such previous payments made by him shall remain and be for the benefit of said Company.
- Failure to pay premiums.** SEC. 12. *Be it further enacted*, That within the said first thirty days after each of the said periods of five years, the officers of the said Company shall cause to be made, a general statement of the affairs of the Company, which shall be entered in a book, prepared for that purpose, and which shall be subject to the inspection of any member of the Company. Said statement shall exhibit: *First*, the amount of premiums received during said period. *Second*, the amount of expenses of said Company during said period. *Third*, the amount of loans incurred during the same period. *Fourth*, the balance remaining with said Company. *Fifth*, the nature of the security on which the same is invested, or loaned, and the amount of cash on hand. The books of the said Company shall be opened to the examination of any member thereof, during the usual hours of business.
- When Policies to be issued.** SEC. 13. *Be it further enacted*, That no policy shall be issued by said Company until application shall be made for insurance in the aggregate, for one hundred thousand dollars; and the Trustees shall have the right to purchase for the benefit of the Company, all policies of insurance or other obligations issued by the Company.
- First meeting.** SEC. 14. *Be it further enacted*, That the first meeting of the Trustees shall be held at Nashville within twelve months after the passage of this Act, of which due notice shall be given.
- Office.** SEC. 15. *Be it further enacted*, That the Trustees of said Company shall establish an office for the transaction of the Company's business, at Nashville, Memphis, and such other place as they may deem proper.
- Policies for the benefit of others.** SEC. 16. *Be it further enacted*, That it shall be lawful for any person to effect an insurance on his life for any definite period of time, or for the term of his natural life, to inure to the benefit of his general estate, or the sole benefit of his widow and children, or of either, as he may cause to be appointed; and, *provided*, the sum or net amount of the insurance shall be payable to his widow or his children for their own use, as
- Proviso.**

may have been provided in the policy, free from the claims of the representatives of such persons effecting the insurance, of any of his creditors. It shall be lawful for any married woman by herself, and in her own name, or in the name of any third person, with his assent, as her Trustee, from her separate property, to cause to be insured, for her sole use, the life of her husband, for any definite period, or for the term of his natural life, and in case of her surviving her husband, the sum, or net amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, and for her own use, free from the claims of the representatives of her husband, or any of his creditors. In case of the death of the wife before the decease of her husband, in either of the cases where the insurance secured for her benefit or use, the amount of the insurance may be made payable after her death, to her children, for their use, and to their guardian, if the children be under age.

Wife may insure husband's life.

Death of wife.

SEC. 17. *Be it further enacted*, That this incorporation shall be subject to such taxes as are now, or may hereafter be, imposed by law, upon similar incorporations in this State.

SEC. 18. *Be it further enacted*, That N. D. Morgan, James H. Henry, John S. Turppen, R. W. Martin, H. S. Bayless, John M. Bruce, Jr., and all others who may hereafter associate themselves with them, be, and are hereby constituted a body, corporate under the name and style of the "North American Life Insurance Company," and as such, shall sue and be sued, and shall exercise all the rights and privileges, and be under the same liabilities, pains and penalties, as other similar corporate bodies chartered by the General Assembly of this State.

North American Life Insurance Company.

SEC. 19. *Be it further enacted*, That this Company will undertake to make insurances upon the lives of individuals, and every insurance appertaining thereto or connected therewith, and to grant, purchase or dispose of annuities; and the insurance business of the Company shall be conducted on the principle of mutual interest and management, as is hereafter provided, unless it shall be otherwise provided or agreed between the Company and the individuals insured.

How conducted.

SEC. 20. *Be it further enacted*, That the corporate powers of this Company shall be vested in a Board of Directors, and shall be exercised by such Board and by such officers and agents as they may appoint. The Board of Directors shall consist of not less than twelve

Powers of Board of Directors, etc.

Elections. nor more than eighteen persons. Elections for Directors shall be held on the third Wednesday of December, of each year, at the principal office of the Company. Notice of every such election shall be published in two daily papers in the city in which said election is held. The Board of Directors shall, at their first meeting in the month of January, elect one of their number President, and one Vice-President, to serve one year.

Capital Stock SEC. 21. *Be it further enacted*, That the capital stock of the Company shall consist of not less than one hundred thousand dollars, nor more than one million dollars, which shall be divided into shares of fifty dollars each; the stock shall only be transferable on the books of the Company in the manner which the Board shall prescribe.

Voting, etc. SEC. 22. *Be it further enacted*, That every Stockholder shall be entitled to one vote for each and every share of the capital stock in his or her name, on the books of the Company. This Company shall not be required to deposit any of its funds, and shall be exempt from the payment of dues required of Foreign Insurance Companies.

Profits. SEC. 23. *Be it further enacted*, That persons insured for the whole term of life, and paying to the Company the premium agreed upon, shall participate in all the profits of the Company to the extent of seven-eighths of such profits, or to such extent as may be agreed upon.

Books to be inspected. SEC. 24. *Be it further enacted*, That the Comptroller of this State shall have power at any time, to order the books of this Company to be laid before him, or a sworn copy of the same, and a statement of the financial condition of said Company; and furthermore, the books of the Company may be examined by any Director whenever he sees proper to do so.

Offices. SEC. 25. *Be it further enacted*, That the Board of Directors shall establish such offices and agencies, at such places as they may deem the interest of the Company requires.

SEC. 26. *Be it further enacted*, That no part of this Act shall be so construed as to confer banking privileges.

Taxes. SEC. 27. *Be it further enacted*, That this incorporation shall be subject to such taxes as may be imposed on similar incorporations in this State.

SEC. 28. *Be it further enacted*, That Section 18 of An Act, passed February 22, 1856, Chapter 130, of

the Laws of the State of Tennessee, entitled "An Act ^{Charter An-} to incorporate the Anderson Mining and Manufactur- ^{derson Min-} ing Company," be so amended, as to read: "John F. ^{ing and Man-} Anderson, Daniel E. Davenport, George Whitney, ^{ufacturing} Thomas Wrightson and George H. Thomas, as Com- ^{Company} missioners," instead of those named in the original ^{amended.} Act.

SEC. 29. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LVII.

AN ACT Incorporating the East Tennessee Wesleyan College, at Athens, Tennessee, and for other purposes.

WHEREAS, Sundry citizens of Tennessee have purchased suitable buildings and grounds near Athens, Tenn., in McMinn County, State of Tennessee, for the purpose of establishing and conducting therein, a first-class College for males, which College is to be under the government and control of the Holston Annual Conference of the Methodist Episcopal Church, subject to such rules and restrictions as are hereinafter set forth; and *whereas*, the security of society, the supremacy of the laws, the preservation of our civil and religious liberties, the perpetuation of our institutions and of the Union, are materially dependent upon the intelligence and virtue of the people; and *whereas*, it is greatly to the interest of the State to encourage the erection of Schools and Colleges for the dissemination of knowledge and education; therefore, Preamble

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a Corporation is hereby ^{Privileges, etc} constituted and established, under the name and style of the East Tennessee Wesleyan College, and in that name, capable of suing and being sued, pleading and be impleaded, and of buying, holding, improving,

disposing of, governing and protecting suitable grounds and buildings for higher educational purposes, in or near the town of Athens, McMinn County, State of Tennessee; and also capable of collecting gifts, grants, or bequests, made to the purposes of education in said institution,

Incorporators SEC. 2. *Be it further enacted*, That Thomas H. Pearne, J. Albert Hyden, L. F. Drake, John F. Spence, W. C. Daily, James Hornsby, George W. Ross, Milton L. Phillips, M. A. Helm, E. A. Atlee, C. W. Vincent, William G. Brownlow, James Turner, James Baker, R. R. Butler, A. A. Patterson, Samuel Hatsel, John W. Mann, and J. B. Little, and their successors in office, shall constitute the aforesaid corporation; and they shall have power to create, by receiving gifts, grants, or bequests, and to preserve a fund or funds to an amount not exceeding five hundred thousand dollars, for the endowment and maintainance of said East Tennessee Wesleyan College, procure libraries and apparatus suitable therefor, fix the course of studies for pupils, engage or discharge Professors, confer degrees, and do all other things necessary to be done for the maintainance and prosperity of a Collegiate or University Institution.

Their Powers

Organization SEC. 3. *Be it further enacted*, That said Trustees, when called together by the first above-named Trustees, and their successors, from year to year, thereafter, shall organize by electing a President, Secretary, and Treasurer, out of their own body; and they may adopt a corporate seal, and such by-laws and regulations as they find necessary, provided they are not inconsistent with the Constitution of the State of Tennessee, and of the United States, nor with the special objects of this Act; and *provided*, also, that not less than a majority shall constitute a quorum for the transaction of business, at meetings of the Board.

Term of office. SEC. 4. *Be it further enacted*, That the above-named Trustees shall have succession as follows: At the first meeting of the said Trustees, after the passage of this Act, they shall proceed, by ballot, to divide themselves into three classes, numbered one, two, and three, respectively, as follows: Class No. 1, to consist of seven persons, whose first term of office shall continue until October 1, A. D., 1867; and each succeeding term of said class, three years. Class No. 2, to consist of six persons, whose first term of office shall continue until October 1, 1868; and each succeeding term of said class, three years. Class No. 3, to consist of six per-

sons, whose first term of office shall continue until October 1, 1869; and each succeeding term of said class, three years; at which several times, the Holston Annual Conference of the Methodist Episcopal Church, shall have power to fill said vacancies, or others which may occur, and thence forward from year to year, the several classes being respectively elected for three years.

SEC. 5. *Be it further enacted*, That the said Trustees and their successors, as well in the obtaining and preservation of grounds, buildings, endowments, or other funds, as in the general direction and government of the said College, shall observe and carry out the expressed will and pleasure of the aforesaid Holston Annual Conference of the Methodist Episcopal Church, so far as the same shall be communicated to them, and not be in conflict with the special object of this Act. Will of the Conference.

SEC. 6. *Be it further enacted*, That Frank J. Wise, M. E. Wise, S. E. Wise, and L. P. Hubbard, and their successors, be, and are hereby, constituted a body corporate and politic, under the name and style of the "Hubbard Seminary," at Jackson, Madison County, Tennessee; and under this name and style, shall have full power and authority to sue and be sued, plead and be impleaded; to use a common seal, and change the same at pleasure; to purchase, receive by donation, enjoy and possess, estate, real and personal, and dispose of the same at will. Hubbard Seminary.

SEC. 7. *Be it further enacted*, That the Faculty of Hubbard Seminary shall have full power and authority to confer such degrees and grant such diplomas as are usually granted and conferred in Female Colleges. Degrees, etc.

SEC. 8. *Be it further enacted*, That the Charter of Science Hill Male and Female Institute, be, and is hereby amended, so as to increase the number of Trustees to twenty; and that P. M. Reese, Henry Johnson, Samuel H. Miller, James S. Hunt, L. A. Ponder, William H. Young, Robt. James Miller, John H. Bowman, and William Hickey, are hereby made Trustees of said Institution, with equal powers and privileges as are granted to the original Trustees. Science Hill Male & Female Institute

SEC. 9. *Be it further enacted*, That Charles C. Stranahan, John L. Lee, A. R. Sherman, Ransen Hescue, John Stoot, G. W. Hixon, and West Walker, and their successors in office, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Trustees of Sequatchie College," located in the County of Bledsoe, Tennessee, with all Sequatchie College.

the rights and privileges, and subject to the same restrictions, of An Act incorporating the Morristown Female Academy, passed 25th day of January, 1858.

Tennessee
Conference of
the Methodist
E. Church In-
corporated.

SEC. 10. *Be it further enacted*, That the Tennessee Conference of the Methodist Episcopal Church, in the United States of America, is hereby constituted and declared to be a body corporate, with full corporate powers to acquire and hold real and personal property, and defend and maintain the holding and use of the same for religious, charitable and educational purposes; sue and be sued; and do any and all acts which such corporate bodies may lawfully do.

Trustees.

SEC. 11. *Be it further enacted*, That A. A. Gee, W. H. Pearne, H. Stephens, William Ernshaw, and D. Rutledge, citizens of Tennessee, are hereby created a Board of Trustees for said Conference, with such order of succession as said Conference, at its first annual meeting after the passage of this law, shall determine.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LVIII.

AN ACT to Incorporate the Boulevard Turnpike Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Trimble, James H. Kendrick, John Kirkman, F. R. Rains, Jo. Horton, Dr. R. C. Foster, W. T. Berry, H. M. Hays, Wm. H. Gordon, Jno. Williams, G. C. Torbett, N. E. Alloway and R. W. Brown, and their associates and successors, under the name and style of "The Boulevard Turnpike Company," are hereby declared a body corporate and politic, under the laws of the State of Tennessee, with succession for fifty-five (55) years, and a common seal, with capacity to have and hold, to them and their suc-

cessors, such property as is necessary and proper to accomplish the object of this Act. One of the main **Purposes** objects of this Charter, is declared to be the construction, use and maintenance of a wide McAdamized, or graveled avenue, or turnpike way, around and through the environs of the City of Nashville, extending from a point at or near the mouth of Brown's Creek, above Nashville, thence to the Cumberland River below said City, at or near Fort Zollicoffer, making such circular or zigzag *detours* as may be necessary, or as the Directors of said Company may think proper, so as not to run inside the Corporation limits, nor more than five (5) miles from said limits.

SEC. 2. *Be it further enacted*, That the Capital Stock of said Company shall be at least fifty thousand (\$50,000) dollars, divided into shares of one hundred (\$100) dollars each, (each share representing one (1) vote;) which may, at any time, be increased to any amount not exceeding five hundred thousand (\$500,000) dollars; all or any part of which may be subscribed and paid in cash, or in real estate, at a valuation to be agreed upon by the Directors of said Company, or by Commissioners appointed by them for that purpose, and the person or persons subscribing the stock. **Capital Stock**

SEC. 3. *Be it further enacted*, That the Incorporators, or any seven (7) of them, may open books for subscription, at such times and places, within the City of Nashville, as may be by them agreed upon, giving ten (10) **May open Books** days' notice of the same in at least two (2) of the City papers; and so soon as fifty thousand (\$50,000) dollars are subscribed, may call a meeting of the Stockholders, who shall elect seven (7) Directors, all of whom shall **Organisation** be Stockholders, to manage the business of said Company for one (1) year from their election, and until their successors are elected; who shall have power to elect one of their number President, and to appoint a Treasurer and such other officers or agents as may be necessary to carry on the affairs of said Company.

SEC. 4. *Be it further enacted*, By the authority aforesaid, that so soon as the Company is organized, they may proceed to locate said road and secure the right of way—which may be by gift, subscription or purchase—and said road-way shall be at least ninety-five (95) feet **Right of Way** wide at all points, and may be at all or at any particular points, one hundred (100) feet wide, and shall be **Description of Road** McAdamized and graveled a width of at least thirty (30) feet in the centre. The construction of the road shall be commenced within five (5) years after the

Gates

organization of the Company; and when completed, the Company shall have authority to put up two (2) gates on said road, at such points as they may select, not interfering with the travel on any road; and shall have authority to charge, receive and collect tolls at each gate, which shall be the same rate charged at the gates—and to be subject to the same laws in relation to keeping said road in repair, and in relation to opening gates upon failure to do so—as the Nashville and Franklin Turnpike Company.

Injury to im-
provements a
misdemeanor,
etc.

SEC. 5. *Be it further enacted*, That if any person or persons, shall injure or destroy, any shade, fruit or ornamental tree, or plant, along the line of said road, after the same may have been located, he, she or they, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as in other cases of misdemeanor, and by fine of not less than ten (10,) nor more than one hundred (\$100) dollars.

City of Nash-
ville may sub-
scribe stock to
Evansville,
Henderson &
Nash. R.R. Co.

SEC. 6. *Be it further enacted*, That the City of Nashville, in its corporate capacity, be, and is hereby, authorized to subscribe a sum not exceeding five hundred thousand dollars to the Capital Stock of the Evansville, Henderson and Nashville Railroad Company, incorporated by the Legislature of the State of Kentucky, on such terms and conditions as may be determined upon by agreement between the said Company and the Mayor and City Council of Nashville, under the restrictions hereinafter provided.

To be submit'd
to citizens at
an Election

SEC. 7. *Be it further enacted*, That the said Mayor and City Council shall first consider the matter, and determine whether they will give their consent, and recommend the said subscription to the qualified voters of the City for their approval. If they shall so determine, then the said Mayor and City Council shall enter into negotiations with the said Railroad Company, and if an agreement can be entered into between the parties, the same shall be published [once] or oftener, in some newspaper published in the City of Nashville. After such publication, public notice shall be given through two or more of the City papers, for not less than ten days before the time fixed for the election, that an election shall be held to test the sense of the qualified voters of said City on the question of making the subscription contemplated.

How held

SEC. 8. *Be it further enacted*, That the election shall be held in all the Wards in the City, in the usual lawful manner of holding City elections. The voters opposed to the subscription shall place upon their tickets the

words "No Railroad Subscription," and those in favor of the subscription shall place upon their tickets the words "Railroad Subscription," and if a majority of all the votes cast, shall be for subscription, then the said Mayor and City Council shall have power to make the subscription upon the terms agreed upon, but not otherwise.

SEC. 9. *Be it further enacted*, That the Mayor and City Council shall be, and are hereby, authorized, in case the said subscription be approved by the people, as above provided, to issue the Coupon Bonds of the City, having thirty years to run, and bearing interest not exceeding the rate of — per cent. per annum, payable semi-annually, in the City of New York; the said bonds to be transferred to the said Railroad Company in payment for said stock.

SEC. 10. *Be it further enacted*, That the town of Clarksville, be, and is hereby, authorized to make a subscription of not exceeding one hundred thousand dollars, to the stock of said Railroad Company, upon the same terms and conditions, so far as applicable, as provided above, in the case of the City of Nashville.

SEC. 11. *Be it further enacted*, That Henry W. Hart and David M. Griffith, of Bledsoe County, are hereby authorized, to open a turnpike road, commencing at the eastern base of Cumberland Mountain, in Bledsoe County, near Pikeville; thence ascending the mountain, with the old Mitchell Road, to the top of the mountain; thence, the nearest and best route, to the foot of said mountain, on Cane Creek, near James Myres' in Van Buren County. The said road to be opened sixteen feet wide, twelve feet in the centre to be clear of all obstructions, and be bridged and causewayed, when necessary, upon the sides of the mountain, where the nature of the ground is such that it cannot be extended to the width herein required. Said road may be reduced, by the consent of the Commissioners, to any width not less than twelve feet, clear of stumps and other obstructions.

SEC. 12. *Be it further enacted*, That said road shall always be kept in repair; and if it shall be permitted to remain out of repair, for the space of thirty days at any one time, then it shall be the duty of the Commissioners, hereinafter appointed by this Act, to set said proprietors' gate open, and keep the same open, until said road shall be put in good repair, to be adjudged by the said Commissioners; and if said proprietors shall, either directly or indirectly, take or receive any toll,

Not to collect toll. during the time said Commissioners set said gate open, said proprietors, for every such offense, shall forfeit and pay the sum of twenty-five dollars; to be recovered by action of debt, before any acting Justice of the Peace having jurisdiction of the same, by any person who will sue for the same; and if said road shall be permitted to remain out of repair for the space of six months, at any one time, after the Commissioners have set the gate open, said charter shall be forfeited.

Commissioners. SEC. 13. *Be it further enacted*, That Robert Ellison, Samuel Agy and Robert Thompson, are hereby appointed Commissioners of said road, whose duty it shall be, when the proprietors notify them that said road is completed for use, to examine said road; and if said road is, in their judgment, in the order contemplated by this Act, they shall proceed to license said proprietors to keep a toll gate upon said road, which license shall be under their hands and seals; and thereupon, said proprietors may proceed to erect a toll gate upon said road, and shall be entitled to receive the following rates of toll, to-wit: All wagons, loaded, drawn by six horses, oxen or mules, one dollar; five-horse wagon, seventy-five cents; four-horse wagon, sixty cents; two-horse wagon, thirty-five cents; empty wagons, half price; for carts, drawn by horses, mules or oxen, twenty-five cents; for each four-wheel pleasure carriage, seventy-five cents; for each two-wheel carriage, fifty cents; for each man and horse, fifteen cents; for each horse or mule, not in a drove, five cents; for each horse, mule, or head of cattle, in a drove, three cents; for each head of hogs, or sheep, one cent, that may travel through said gate.

Their duties. Rates of Toll.

Commissioners' Oath. SEC. 14. *Be it further enacted*, That the Commissioners appointed by this Act, shall, before entering upon the duties of their appointment, take and subscribe the following oath, to-wit: I do solemnly swear I will, and truly, perform the duties enjoined on me by this Act, according to the best of my knowledge and ability: So help me God. And said Commissioners shall be entitled to receive two dollars per day, for the time they are engaged in performing the duties enjoined upon them by this Act, to be paid by the proprietors of said road.

Evading Payment of Toll. SEC. 15. *Be it further enacted*, That if any person or persons, shall pass such gate arbitrarily, or within one mile thereof, for the purpose of evading said toll, such person or persons, shall, for every such offense, forfeit and pay to the proprietors of said road, the sum

of five dollars, to be recovered before any Justice of the Peace in the State.

SEC. 16. *Be it further enacted*, That the said proprietors, shall be entitled to hold and enjoy the privileges of this charter for fifty years, and have two years from the passage of this Act to complete said road. Time.

SEC. 17. *Be it further enacted*, That Charles B. Short, of Hamilton County, be authorized to keep open a turnpike road from George Reel's, in Bledsoe County, to the western base of Walden's Ridge, in Hamilton County. Turnpike from George Reel's.

SEC. 18. *Be it further enacted*, That Charles B. Short have all the rights and privileges that were granted to Charles Gamble, and others, by An Act of 1825, on said road; and that Isaac A. Martin, William Russell and Alex. Hickman, be, and are hereby appointed, Commissioners on said road, and are to be governed by the above named Act of 1825, on said road. Powers and privileges.

SEC. 19. *Be it further enacted*, That William H. Schutte, Phillip Eichhorn, John N. Westfall, Chas. C. Siegfried, Anthony Handman, J. P. J. DeBeck, E. M. Wight, Luke Murrin, Adolph Tschofik, A. W. Lauter, Samuel Strauss and Virgil J. Crowell, their associates and successors in office, be, and are hereby constituted, a body politic and corporate, under the name of "Phillip's Lodge No. 112, of the Independent Order of Odd Fellows," at Chattanooga; and shall have power to purchase and hold real estate, for the purpose of erecting suitable buildings for the meeting of said Lodge, and for the establishment of such a school as said Lodge may determine to erect, or establish; shall have the right to sue and be sued; to sell real or personal property, in the corporate name, and have ninety-nine years' succession. Phillip's Lodge, No. 112, I. O. O. F.

SEC. 20. *Be it further enacted*, That said Lodge shall be subordinate to the Grand Lodges of the State of Tennessee, and the United States, and shall be organized by the election and installation of such officers as is customary to elect and install in the Lodges of Odd Fellows. Powers, &c.

SEC. 21. *Be it further enacted*, That the capital stock of said Lodge, shall not exceed fifty thousand dollars, and shall be issued in shares of twenty dollars each; and the corporation shall, after giving notification in the newspapers of Chattanooga, for at least ten days, open books for the subscription of stock, at the place of business of E. M. Wight, M. D., in Chattanooga; and Organization.

Capital Stock.

that each Stockholder shall be allowed one vote, to be cast by himself, or by proxy, for each share of stock he has in the corporation; and said votes shall only entitle them to vote for the Board of Trustees, of the buildings, and the grounds upon which they stand

Trustees.

SEC. 22. *Be it further enacted*, That the Board of Trustees shall consist of five Stockholders, members of said Lodge; and they shall be elected for one, two, three, four and five years, respectively, so that one Trustee shall retire each year, to be replaced by one newly elected for five years, and four of them to hold over. The election to take place on the first Wednesday of July of each year, of which public notice shall be given, at least ten days.

Election.

School.

SEC. 23. *Be it further enacted*, That it shall be the duty of said Board of Trustees, to establish a good shool for the education of children, and make rules for the government of the same, as soon as the necessary funds are on hands.

Lot of ground.

SEC. 24. *Be it further enacted*, That this corporation may purchase a suitable piece of ground, and lay the same off, and use it for a cemetery.

Bluff City
Real Estate &
Building Co.

SEC. 25. *Be it further enacted*, That W. J. Smith, Joseph Pinner, Joseph Tildesley, P. G. Marsh and J. E. Merriman, and their associates, successors and assigns, be, and they are hereby constituted, a body corporate and politic, by the name and style of the "Bluff City Real Estate and Building Company," of Shelby County, with all the rights and privileges, and subject to all the penalties, of sections six, seven, eight, nine, ten, eleven and twelve, of the Memphis Dry Dock Company, passed December 15th, 1866.

Knoxville

SEC. 26. *Be it further enacted*, That section first of chapter 53, of the Acts of 1817, entitled "An Act to amend An Act entitled An Act to incorporate the town of Knoxville, in the County of Knox," and all other Acts or parts of Acts, defining or limiting the right of suffrage in said town or city of Knoxville, be, and the same are hereby, repealed.

Qualifications
of voters

SEC. 27. *Be it further enacted*, That in all future elections of persons to serve as Mayor and Aldermen, or other officers of the city of Knoxville, all persons who are citizens thereof, and who have resided ten days in the Ward in which they vote, and who are qualified to vote for members of the General Assembly, shall be qualified to vote at any Municipal election, holden in said city, for Mayor, Aldermen, or other officer of said

Corporation, and upon any question or questions that may be submitted to the electors of said City.

SEC. 28. *Be it further enacted*, That section six, of chapter 131 of the Acts of 1856, and all other Acts or parts of Acts, defining or limiting the right of suffrage in said Corporation of East Knoxville, be, and the same are hereby, repealed.

SEC. 29. *Be it further enacted*, That in all future elections of persons to serve as Mayor and Aldermen, or other officer of said Corporation, all persons who are citizens thereof, and who have resided ten days in the Ward in which they vote, and who are qualified to vote for members of the General Assembly, shall be qualified to vote at any election, holden in said Corporation, for Mayor, Aldermen, or other officer of said Corporation, and upon any question or questions that may be submitted to the electors thereof.

SEC. 30. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LIX.

AN ACT to Incorporate the Rogersville Female College, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Calvin Waterbury, W. C. Kyle, Chas. J. McKinney, John Netherland, James White, A. A. Kyle, A. P. Coldwell, R. P. Mitchell, S. R. Griffith, Sam. Milligan, S. J. W. Luckey, J. W. Elliott, and Sam. V. McCorkle, of East Tennessee; and Edwin F. Hatfield, Henry Kendale, Wm. A. Boothe, Weeks S. Stile Ely, of the City of New York; and James Bohan, of the City of Rochester, State of New York; and Robert W. Patterson, of the City of Chicago, State of Illinois; and George Duffield, of the City of Detroit; and J. Purson, of Kala, State of Michigan; Incorporators

are hereby declared to be a body corporate, to be known as the "Board of Trustees, of the Rogersville Female College," located in the village of Rogersville, County of Hawkins, and State of Tennessee.

Objects

SEC. 2. *Be it further enacted*, That the object of this corporation is to purchase, endow and conduct, a College, for the education of females; and to this end the Board of Trustees above named, shall have ninety-nine years succession, with power to sue and be sued; to receive, hold and use funds placed in their trust by gift or bequest; to purchase and sell personal property and real estate; to have a corporate seal; to elect their own President, Secretary, Treasurer, and Executive Committee; to fill their own vacancies known to have occurred by death or resignation; to elect and fix the salaries; and remove for cause, the President of the College, and all other members of the Faculty, and all agents, stewards and other employes; to establish the rate of tuition, and the price of board; to prescribe the course of study; to confer such literary honors as are usually conferred by Colleges and Universities; to establish by-laws and regulations deemed necessary for governing the College; and to take any other measures for advancing the interests of the College, which are not in conflict with the laws of the State of Tennessee, and of the United States.

Powers of
Board of
Trustees

SEC. 3. *Be it further enacted*, That the Board of Trustees of said College, may establish a normal department, which department shall be subject to such rules and entitled to such privileges, as other normal schools of the State of Tennessee.

Members and
qualifications

SEC. 4. *Be it further enacted*, That the Board of Trustees of said College shall consist of not more than twenty-four, nor less than eighteen members, a majority of whom shall be in membership and sympathy with the Presbyterian Church in the United States, which was represented in General Assembly, in the City of Brooklyn, State of New York, in the year eighteen hundred sixty-five.

Voting, proxies,
etc.

SEC. 5. *Be it further enacted*, That the Trustees not living in the State of Tennessee, may vote by proxy in the election of Trustees and officers of the Board, and in the election and removal of any member of the Faculty and other officers and agents of the College, and also, in purchasing or selling real estate; *Provided*, such proxy shall be a member of the Board of Trustees; and the principal shall certify in writing through some member of said Board, his own necessary

absence from its meetings, together with the name of the Trustee whom he has selected for his proxy.

SEC. 6. *Be it further enacted*, That nine Trustees assembled i. any regular meeting of said Board, shall ^{Quorum} be a quorum for the transaction of business, except in the election for trustees and officers of the Board, and in the election and removal of members of the Faculty of said College, and also in the purchasing and selling real estate. An affirmative vote of the majority of the whole board (proxies included) shall be necessary to carry a proposed measure.

SEC. 7. *Be it further enacted*, That the board shall hold its first meeting on the 23d day of July, in this ^{First meeting} present year, eighteen hundred and sixty-seven, in the building of the Rogersville Female Institute, in Rogersville, County of Hawkins, and State of Tennessee, at 3 o'clock, past meridian, and all subsequent meetings on its own adjournments.

SEC. 8. *Be it further enacted*, That N. W. Emert, Eli Gobble, Wm. Y. Henderson, John M. Trotter, ^{Trustees of Union Academy} Henry Trotter, T. D. Wynn and E. M. Wynn, and their successors in office, be, and they are hereby, incorporated a body politic, under the name and style of the Trustees of Union Academy, in Sevier County.

SEC. 9. *Be it further enacted*, That the Trustees ^{Powers} of said Academy are hereby invested with legal power to buy, receive, possess, hold, and dispose of any property for the use and benefit of said Academy; and may sue and be sued, plead and be impleaded.

SEC. 10. *Be it further enacted*, That said Board of Trustees shall have power to hold meetings, elect a ^{Same} Chairman and Secretary, and fill vacancies that may occur in said Board; that a majority of said Board may constitute a quorum, and that they may have the right to use a common seal, and to do all lawful acts, for the benefit of said corporate Institution.

SEC. 11. *Be it further enacted*, That H. N. Rankin, Rev. Page Tyler, Gilbert Algee, David Randolph, John ^{Rankin High School} M. Langston, Reuben Alexander, Columbus Polk, Wm. Nelson, David Lock, Anthony Lock, Anthony Motley, Squire Henderson, Wm. Annons and Richard Anderson, and their successors in office, be, and they are hereby, incorporated a body politic, under the name and style of the "Rankin High School," with all the rights, powers and immunities, and subject to all the restrictions of the Middle Creek Academy, incorporated October 31, 1866.

SEC. 12. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LX.

AN ACT to Incorporate a University at Franklin, Tenn., in lieu of the Tennessee Female College, chartered February 18th, 1856; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act incorporating the Tennessee Female College, at Franklin, be, and the same is hereby, amended, so as to change its name to the "Tennessee Female University," at Franklin.

Powers

SEC. 2. *Be it further enacted*, That all power, authority and franchises appertaining to a first class University in the State of Tennessee, either male or female, be, and they are hereby, granted to the Tennessee Female University at Franklin.

Trustees

SEC. 3. *Be it further enacted*, That the number of Trustees of said University may be increased to twenty-five; and so much of Section 2d, Article 3d, of said Act as requires Trustees to be stockholders, be, and the same is hereby, repealed.

East Ten. Col-
legiate Ins'te.

SEC. 4. *Be it further enacted*, That Thomas Brown, Thomas J. Lanear, Horace Maynard, Luther S. Trowbridge, George W. Le Vere, J. W. Elliott, Joseph Eckel, J. A. Griffes, John W. Meek, and their successors in office, be, and are hereby, constituted a body politic and corporate, under the name of the "East Tennessee Collegiate Institute," for the general and theological education of colored people.

How govern'd

SEC. 5. *Be it further enacted*, That the said Corporation shall be governed by a Board of nine Trustees, and the persons above named shall constitute such Board of Trustees; whose vacancies, whether by resignation, death, or otherwise, shall be filled by the Synod

of Tennessee; and the said Synod of Tennessee shall have power to determine the term of office of the Trustees. Five Trustees shall constitute a quorum for the transaction of business. The Board of Trustees shall make an annual report to the Synod of Tennessee.

SEC. 6. *Be it further enacted*, That the Board of Trustees shall elect a President annually, from their own number; and shall make their own by-laws; and may also appoint such person or persons as they deem proper, to perform the duties of Secretary and Treasurer of the Board. They shall have power to appoint such professors, teachers and officers, as they may, from time to time, see fit, and to remove the same; to fix the rate of tuition; to confer, if they think proper, in conjunction with the Faculty, such literary degrees and diplomas, as are usual in such institutions; and to have and exercise all other powers and privileges incident to corporations of this description, inclusive of the power to make all necessary by-laws and regulations relative to said Institute, and to the government thereof; and furthermore, shall have power to maintain a Biblical Department, for the education of colored young men, who have been properly approved as candidates for the Christian ministry.

SEC. 7. *Be it further enacted*, That the said Board of Trustees shall have and use a corporate seal; may sue and be sued; may also acquire, hold and possess, by gift, grant, devise or purchase, all such estates, real, personal or mixed, as may be needful or convenient for said Institute, with full power to appropriate or sell all, or any part thereof, not inconsistent with the uses and trusts specified by the respective donors of any of said estates or funds.

SEC. 8. *Be it further enacted*, That the said Collegiate Institute shall be located at Knoxville, or elsewhere, at the discretion of the Board of Trustees.

SEC. 9. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXI.

AN ACT to Incorporate the Nashville Life Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. A. Atchison, Joseph C. McCrory, C. A. R. Thompson, Joseph W. Allen, and William Evans, and all others who may hereafter be associated with them, are hereby declared a body corporate and politic, under the name and style of "The Nashville Life Insurance Company;" and by that name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; they may have and use a common seal, which they may alter, break, or renew at pleasure.

Rights

SEC. 2. *Be it further enacted*, That the principal office of the company shall be located at Nashville.

Office

SEC. 3. *Be it further enacted*, That the business of the company shall be to make insurance upon lives of individuals, to grant, purchase, and dispose of annuities, to receive and invest trust funds, and make insurance against accidents.

Business

SEC. 4. *Be it further enacted*, That the corporate powers of the company shall be vested in, and exercised by a Board of Directors, not exceeding five, and by such other officers and agents, as the board may appoint. A majority of the Directors shall constitute a quorum for the transaction of business; and may determine the rates of insurance, and the amount that may be insured on any one life; also the sums to be paid for annuities, and the extent to which annuities may be granted.

Powers of
Board of
Directors

SEC. 5. *Be it further enacted*, That the persons named in the first section of this Act, shall constitute the first Board of Directors, and shall hold office until the first day in January, 1867, and until their successors are appointed. The Directors may increase the number of Directors to any number, not exceeding seven; and all vacancies occurring may be filled by the remaining Directors, or by a majority of them.

First Board,
etc

SEC. 6. *Be it further enacted*, That the first election of Directors shall be held on the first Monday in January, 1869, and annually thereafter. Notice of elec-

Elections

tion shall be given by the President or Secretary, for at least two weeks, in some newspaper in Nashville; said election to be held at the office of the company. In case of a failure to elect on the day specified, this corporation shall not be deemed to be dissolved, but may hold an election at any future day, after giving notice thereof.

SEC. 7. *Be it further enacted*, That stockholders shall be entitled to one vote for each share of stock held by them, and may vote in person or by proxy. Voting

SEC. 8. *Be it further enacted*, That the Board of Directors shall, after the organization of the company, and at the first meeting of the board after each annual election, elect from their number a President, and shall also elect an Actuary, and such other officers as they may deem necessary, who shall hold their offices for one year, and until their successors are appointed; and in case of absence or inability of any of the officers, the Board of Directors may temporarily supply their places. Officers

SEC. 9. *Be it further enacted*, That the capital stock of this company shall be not less than two hundred thousand dollars, and not more than one million dollars, as the Directors may determine. Said stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable on the books of the company. Capital Stock

SEC. 10. *Be it further enacted*, That in case any policy holder or annuitant shall fail to pay any premium, or sum due by him or her, to the company, or violate any condition of the policy of insurance, or contract made between the company and the assured, the Board of Directors may cancel the policy, and all premiums paid thereon shall be forfeited to the company. Failure to pay premiums etc.

SEC. 11. *Be it further enacted*, That the company may purchase, for its own benefit, any policy of insurance, or other obligation of the company, growing out of its business, and also any claims of policy holders. Policies

SEC. 12. *Be it further enacted*, That it shall be lawful for any married woman, by herself, and in her name, to cause to be insured for her sole use and benefit, the life of her husband, for any definite period, or for the term of his natural life, or against accidents resulting in personal injury causing him to be permanently or partially disabled or injured; and in case of her surviving her husband, the sum or net amount of the insurance, becoming due and payable by the terms of in- Wife may insure husband's life

Death of wife

insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors. And in case of the death of the wife, before the decease of her husband, the amount of the insurance becoming due and payable as above, may be made payable after her death, to her children, for their use, and to their guardians, if under age.

Commissioners to open books

SEC. 13. *Be it further enacted*, That the Board of Directors, or any three of them, may, at any time after the organization of the company, appoint one or more Commissioners to open books for subscription to the stock, by first giving not less than three days' notice in some newspaper in Nashville. Said books shall remain open until one hundred thousand dollars shall have been subscribed, and ten per cent. thereof paid; the balance of the subscription shall be paid at such times and in such manner as the Directors may determine.

May hold real estate.

SEC. 14. *Be it further enacted*, That this company may hold such real estate as may be necessary for the transaction of its business, not exceeding fifty thousand dollars in value, except such as may be taken as security, or in payment for debts, and may sell and convey the same at pleasure.

Liability of Stockholders

SEC. 15. *Be it further enacted*, That stockholders shall not be liable for the debts of the company, beyond the amount unpaid upon the stock held by them respectively, and no dividends shall be declared or paid to stockholders until the par value of the stock is paid in full.

SEC. 16. *Be it further enacted*, That nothing in this Act shall be construed so as to authorize the company to do a banking business, or to issue any certificates to circulate as money.

Taxes, &c.

SEC. 17. *Be it further enacted*, That this Act shall have ninety-nine years succession, and be liable to such taxes as are imposed on similar incorporations in this State.

Hopefield Marine Life and Fire Insurance Co.

SEC. 18. *Be it further enacted*, That W. J. Smith, W. K. Hall, Joseph Penun, Joseph Teldesby, and P. G. Marsh, of the city of Memphis, together with those who may hereafter become stockholders, as hereinafter provided for, are hereby created a body politic, by the name and style of the "President and Directors of Hopefield Marine Life and Fire Insurance Company of Memphis," with all the rights, powers, and privileges,

and liable to all the penalties of the Planters' Life, Fire and Marine Insurance Company, of Nashville, passed May 26, 1866.

J. S. MULLOY,
Speaker pro tem. of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXII.

AN ACT for the Benefit of John Ryan

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller be, and is hereby, required, to issue his warrant in favor of John Ryan, former jailor for Campbell County, for the sum of one hundred and seventy-seven dollars and twenty cents, due on account of services for keeping and feeding prisoners previous to the Act of May, 1861; and that the Treasurer of the State be authorized to pay the same out of any money not otherwise appropriated.

SEC. 2. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,
Speaker pro tem. of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXIII.

AN ACT Authorizing the building of a Turnpike Road in Shelby County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That F. C. Stephenson and W. E. Jones, of Shelby, be, and they are hereby, authorized to build a dirt Turnpike road from the residence of said W. E. Jones to Black Branch, in said County of Shelby.

Width, etc.

SEC. 2. *Be it further enacted*, That the said Turnpike shall be at least thirty feet wide, and above high water mark.

Commissioner's

SEC. 3. *Be it further enacted*, That John C. Weaver and Archibald Wright be, and they are hereby, appointed Commissioners to view said road, when completed, and report to the County Court of Shelby County, whether the same is built in compliance with this Act.

Gate

SEC. 4. *Be it further enacted*, That when said road is completed, according to the provisions of this Act, and duly reported to the County Court, that F. C. Stephenson and W. E. Jones are authorized to erect at one end of said Turnpike, a toll gate, and charge such rates of toll as may be agreed upon before the commencement of the construction of said road, between the said Stephenson and Jones and the County Court of Shelby County, not to exceed the following rates of toll: For wagon and four horses, 75 cents; for wagon and three horses, 62½ cents; for wagon and two horses, 50 cents, for wagon and one horse, 25 cents; for man and horse, 15 cents; for pleasure carriage and two horses, 75 cents; for pleasure carriage and one horse, 37½ cents.

Rates of Toll

SEC. 5. *Be it further enacted*, That the said road shall be kept in repair, so that said road may be at all times traveled with ease, and without danger to man or beast. And that this Act take effect from and after its passage.

Repairs

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSEPH B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXIV.

AN ACT to Incorporate Leddin's Tennessee Business College.

WHEREAS, A certain Literary Institution in the city of Memphis, County of Shelby, and State of Tennessee, called Leddin's Tennessee Commercial College, has been in successful operation for nearly two years, under the direction of T. A. Leddin, its founder ^{Preamble} and proprietor, having for its object the advancement of the cause of commercial education; and *whereas*, the said T. A. Leddin has furnished a large and commodious building, and all necessary accommodations for a large number of students; therefore, for the encouragement and perpetuity of said institution,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That T. A. Leddin, with ^{Incorporation} such professors and teachers as he may hereafter, from time to time, associate with him for this purpose, together with a Board of Trustees, to be appointed as hereinafter stated, are hereby constituted a body politic and corporate, by the name and style of "Leddin's Tennessee Business College," who shall have succession for ninety-nine years; and by the name and style aforesaid, may purchase, receive, hold, use, possess, occupy, and enjoy, or receive, by gift, grant, devise, or otherwise, any lands, tenements, goods, or chattels, of what kind soever, which may be necessary for the construction, government, and promotion of said institution; ^{Rights and Powers} may sue and be sued, plead and be impleaded, defend and be defended, in all courts of record and courts of inferior jurisdiction; and said corporation shall have power to make, have, and use a common seal, and the same to break, alter, and renew, at their pleasure; and generally to do and execute all acts, matters, and things which a corporation or body politic in law may and can lawfully do and execute.

SEC. 2. *Be it further enacted*, That said College shall be located in the city of Memphis, and shall have power to teach all the branches of learning necessary ^{Location. ob-} for the thorough training and practical education of ^{ject, etc.} young men for the various duties and employments of business life; and to impart instruction in such other

branches of literary and scientific knowledge, as may, from time to time, be deemed expedient.

Board of
Trustees, etc.

SEC. 3. *Be it further enacted*, That said corporation shall have power to elect a Board of Trustees, and such other officers as may be necessary for the administration and government of said College; and said Trustees may hold office for the term of one year from date of election; and shall have power, together with said President, to assume the government of said College, and election of their successors.

Government

SEC. 4. *Be it further enacted*, That the said President and Board of Trustees may make and enforce such by-laws, rules, and regulations, as shall be necessary for the government of the officers of the corporation, and the students of the institution, and for the management of its concerns; *Provided*, such by-laws, rules, and regulations are not repugnant to the Constitution and laws of the United States and the State of Tennessee; and *Provided, also*, that said T. A. Leddin shall hold his office of President aforesaid, not subject to removal, except at his option; and *Provided*, that the President shall have the power of appointments and removal, at will, of the Professors and Teachers to act under him.

Provisos.

Degrees, hon-
ors, etc.

SEC. 5. *Be it further enacted*, That the said President shall have power to award degrees, and confer such honors as are usually granted by Commercial Colleges or Universities in the United States, and in testimony thereof, to give suitable diplomas, under the seal of the corporation and the signature of such officers; and every such diploma shall entitle its possessor to all immunities which, by any law or usage, is allowed to the possessors of similar diplomas granted by any Commercial College or University in the United States.

Organisation

SEC. 6. *Be it further enacted*, That said corporation may be organized by said T. A. Leddin and such Professors as may be associated with him before the appointment of a Board of Trustees; and until the election of said Board, are vested with all the powers intended to be vested in said board by the provisions of this Act.

Religious
sentiment.

SEC. 7. *Be it further enacted*, That no religious sentiments shall be accounted a disability to hinder or debar students from entering the College, prosecuting their studies, and receiving diplomas or certificates, or in any manner to abridge their privilege or immunities as students in any department of said College.

SEC. 8. *Be it further enacted,* That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXV.

AN ACT to Amend An Act, entitled "An Act to Incorporate the Ætna Manufacturing, Mining and Oil Company," passed December 11th, 1865.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That section 12 of An Act passed December 11th, 1865, entitled "An Act to Incorporate the Ætna Manufacturing, Mining and Oil Company," be, and the same is hereby, so amended as to strike out so much of the section as provides that said company shall not be entitled to State aid.

SEC. 2. *Be it further enacted,* That when said company shall grade said railroad a distance of thirty miles, it shall be entitled to the same amount of State aid, per mile—to be provided in the same manner—as granted to the Nashville & Chattanooga Railroad Company; together with two hundred thousand dollars, to be granted in like manner, for the building of bridges over Duck and Piney Rivers; *Provided,* that the State shall hold a lien on said railroad, in like manner as she holds a lien on the Nashville & Chattanooga Railroad. And that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXVI.

AN ACT to Incorporate the Harrison, Selma & Cincinnati Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter Monerger, John McNish, Henry S. James, R. H. Guthrie, David P. Colwell, W. S. Marshal, D. C. Trewhitt, Thomas McNish, A. A. Pearson, David N. McGill, John C. Gamble, R. G. Campbell, James Lanson, A. G. W. Puckett, Geo. O. Cate, Geo. Anderson, John B. Brown, of Hamilton County Tennessee, and L. C. Houk, of Anderson County, Tennessee; W. S. McEwen, of Roane County; Samuel Johnson, of Monroe County, and William Morgan, of Rhea County, or any three of them, with their associates and successors, shall be, and are hereby created, a body politic and corporate, under the name and style of the "Harrison, Selma & Cincinnati Railroad Company;" and by that name may have a corporate seal, with full power to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in any of the courts of law or equity in this State, for a period of ninety-nine years.

Rights and Powers

SEC. 2. *Be it further enacted*, That said company shall have all the rights, powers and privileges, necessary to locate, construct and complete, a railroad from the Tennessee State line, near Opelika, or Johnson Depot, on the Georgia State Railroad, along an old survey, the principal part of which is graded, by way of Tyne's Station, and Harrison, to the Tennessee River; thence, to such point as will be most convenient to intersect with either the Chattanooga & Central Kentucky, or the Knoxville & Kentucky Railroad.

Capital Stock.

SEC. 3. *Be it further enacted*, That the persons herein incorporated, or any three of them, are hereby authorized to open books and receive subscriptions, in the name of said company; the capital stock of which, shall be five hundred thousand dollars, to be divided into shares of twenty-five dollars each; and the County Court of Hamilton County, is hereby authorized to subscribe stock in said company, to any amount not to exceed ten thousand dollars.

May lease, &c.

SEC. 4. *Be it further enacted*, That said Company may lease, transfer, or sell, said railroad, when, in their

judgment, they think proper; subject, however, to all liens of the State upon said road, as well as of the county.

SEC. 5. *Be it further enacted*, That said company shall be considered duly authorized to hold an election, for such officers as may be necessary to carry out the objects contemplated in this charter, when five thousand dollars in stock shall have been taken; and the company organize thereupon Election.

SEC. 6. *Be it further enacted*, That said company shall have all the rights, powers and privileges, granted by various Acts of this General Assembly to the East Tennessee & Georgia Railroad company; and be subject to the same responsibilities. Powers.

SEC. 7. *Be it further enacted*, That whenever it shall appear to the Governor of the State, from the certificate of the President, or Chief Engineer of said road, that the grading of said road is all completed to Opelika, it shall be the duty of the Governor of this State to issue to said company, Coupon Bonds of the State, to such an amount as may be necessary to complete and put that part of said Harrison, Selma & Cincinnati Railroad, in operation, not to exceed ten thousand dollars per mile. State Bonds.

SEC. 8. *Be it further enacted*, That it shall be the duty of the Governor to appoint one or more Directors to represent the interest of the State in said railroad, whenever any amount of State Bonds are, or may have been, issued and transferred to said company, as herein provided. Gov'r to app't Directors.

SEC. 9. *Be it further enacted*, That no person shall be eligible to hold office in said company, except he be a stockholder, and a qualified voter in all the elections of the State; which provision shall be applicable to Station Agents, Conductors and Engineers. Eligibility to office.

SEC. 10. *Be it further enacted*, That the work contemplated in this Act, shall be commenced within three years from the passage of this Act, and six miles completed within six years; otherwise, this Act shall be considered as forfeited, and void. Time to commence.

SEC. 11. *Be it further enacted*, That said company may establish such by-laws as they may think proper, for carrying the provisions of this charter into effect, not in violation of the Constitution of the State, or United States. By-Laws.

SEC. 12. *Be it further enacted*, That the 61st section of An Act passed May 24th, 1866, shall be so construed as to give the same State aid, in the con- State aid.

struction of bridges, as was granted to the Tennessee & Pacific Railroad Company.

Sevierville
Turnpike Co.

SEC. 13. *Be it further enacted*, That Wyatt F. Nichol, Jesse Stafford, John C. Yett, Charles Inman and John McAndrew, and their successors in office, be, and they are hereby, constituted a body politic and corporate, with all the rights and liabilities incident to corporations, under the name of the "Sevierville Turnpike Company," for the purpose of constructing, grading and McAdamizing a Turnpike road from Sevierville, eastward, by way of Fair Garden, in the direction of Newport, to the Chestnut Ridge in Jefferson County.

\$10,000 ap-
propriated.

SEC. 14. *Be it further enacted*, That the sum of ten thousand dollars of the unappropriated stock owned by the East Tennessee & Georgia Railroad Company, be, and the same is hereby, set apart, released, and appropriated to said corporation, hererein before created, for the purpose of aiding in the building said turnpike road.

Books, Elec-
tion of Direc-
tors.

SEC. 15. *Be it further enacted*, That said company shall have power, and it shall be their duty, to open books for the reception of subscriptions to the capital stock of said company, in shares of twenty dollars. After the sum of three thousand dollars shall be subscribed, the said stockholders shall elect three Directors of said company; which Directors, in conjunction with said corporators herein named, or their successors, shall manage said road, respectively, with the right of electing such officers and agents, and of forming such rules and by-laws, as they may respectively deem expedient.

President.

SEC. 16. *Be it further enacted*, That a President of the company shall be elected by the Directors, in such manner as the Board of Directors may prescribe.

Oath.

SEC. 17. *Be it further enacted*, That the President and Directors, before they act as such, shall take an oath that they will well and faithfully discharge the duties of their respective offices, to the best of their skill and ability. And the President and Directors shall have power to appoint a Treasurer of said company, and to require of him a bond, in such penalties, with securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping, and disbursing, all money that may come to his hands as Treasurer of said company. And the Board of Directors, in the absence of the President, may fill his place by electing one of their members President *pro tempore*.

Bond.

Route.

SEC. 18. *Be it further enacted*, That the company shall not be bound to build said road on the old route,

as it now runs; but shall have the right and power to locate and build said road on the most practicable and direct route from Sevierville, *via* Fair Garden, to the Chestnut Ridge, in Jefferson County; such location to be determined by the Commissioners and Directors chosen by the stockholders.

SEC. 19. *Be it further enacted*, That said turnpike company shall have the power to erect toll gates at such intervals, and establish such rates of toll as are now prescribed by the charter, and amendments thereto, of the Nashville & Franklin Turnpike Company; and are hereby clothed with the same rights and powers to enforce the collection of toll, and for other purposes, as are conferred by the said charter. Toll Gates.

SEC. 20. *Be it further enacted*, That said company shall have the power, if desired by the stockholders, to extend a branch of said turnpike road to the Silver Mines in the Greenbrier Cove, in Sevier County. Branch.

SEC. 21. *Be it further enacted*, That the County Court of Sevier County, is hereby authorized and empowered, (a majority of the Justices voting therefor,) to issue to said company County Coupon Bonds, to the amount of ten thousand dollars, having ten years to run, at six per cent. interest; to be applied by said company to the constructing and building of said road, or roads. County Court of Sevier.

SEC. 22. *Be it further enacted*, That the charter granted the Pigeon Roost & Chulahoma Turnpike Company, passed October 31, 1853, be, and the same is hereby, declared, forfeited; not having taken advantage of the enabling Act passed June 9, 1865, for their benefit. Pigeon Roost Turnpike charter forfeited.

SEC. 23. *Be it further enacted*, That the name of the Nonconer Pike Company, passed May 24, 1866, be so amended as to read, Nonconer Turnpike Company. Nonconer Turnpike Co.

SEC. 24. *Be it further enacted*, That the Act incorporating the Tennessee & Pacific Railroad Company, be so amended that whenever one thousand shares of stock, or more, are subscribed, and one hundred thousand dollars paid thereon, the said company shall be authorized to organize and proceed as provided in the fourth and fifth sections of that Act. Tenn. & Pacific R. R. Co.

SEC. 25. *Be it further enacted*, That all counties through any part of which the Nashville & Cincinnati and Tennessee & Pacific Railroads, may run, and all incorporated towns through or contiguous to which either of said roads may be located, are hereby authorized and empowered to subscribe stock in either of said rail- Nash. & Cin., and Tenn. & Pac. R. R.

roads, upon a vote of the citizens, to be taken in the manner heretofore provided by law, in such cases.

Bonds issued
to N. & N.-W.
Railroad.

SEC. 26. *Be it further enacted*, That the Governor be, and is hereby, authorized and directed, to issue to the Nashville & North-Western Railroad Company, one hundred and twenty-five thousand dollars in the Bonds of the State, bearing six per cent. interest, and in every respect like the Bonds issued to the various railroads, and upon the same terms and conditions as the Bonds were issued under An Act passed January 18, 1866, entitled, "An Act to amend An Act to establish a system of Internal Improvements, passed Feb. 11, 1852."

SEC. 27. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXVII.

AN ACT to Incorporate the Dandridge Railroad Company, and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of establishing railroad communication between the French Broad River, and the East Tennessee & Virginia Railroad, from the town of Dandridge, in Jefferson County, to intersect the said railroad at some point, either at Mossey Creek, or between that point and the town of New Market, the formation of a company is hereby authorized, which, when formed, shall be a body corporate by the name and style of the "Dandridge Railroad Company," and by said corporate name, shall be capable in law to purchase, receive by gift, hold, sell and convey, real and personal property, for the purposes of said road; make, contract, sue and be sued; to make by-laws, orders and rules for the carrying into effect the purposes of this Act; to do and perform all other acts necessary to the business of said corporation; to have

Rights
powers

and use a common seal, and to alter the same at will and pleasure, and to have perpetual succession.

SEC. 2. *Be it further enacted*, That Samuel N. Fain, John R. Branner, James Meek, William Galbraith, William Harris, J. C. Cawood, Robert Birchfield, and James P. Swann, are hereby appointed Commissioners, who, or any of whom, shall open books for subscription to said Company; and shall keep said books open until the sum of forty thousand dollars or upwards, not exceeding one hundred and fifty thousand dollars, shall be subscribed; and whenever the sum of forty thousand dollars shall be subscribed, said company shall be formed and have a corporate existence.

SEC. 3. *Be it further enacted*, That said Commissioners may receive subscriptions to be paid in labor, and work in grading said road, or in any other thing necessary to the completion of said road, or to be paid in provisions, or any article necessary to be used in the construction of said road; and when such subscriptions in labor, materials, provisions, or other things, shall be performed, paid or furnished, the same shall constitute stock in said company, at the cash value thereof.

SEC. 4. *Be it further enacted*, That whenever the sum of forty thousand dollars or upwards, and not exceeding the sum of one hundred and fifty thousand dollars, shall be subscribed, said company shall be formed, and said Commissioners, or any of them, shall give notice to each stockholder, and call a meeting of the stockholders, who shall elect a Board of Directors of nine persons, one of whom shall be elected, by such Directors, President of the said Board; and said Board, in case of the death, resignation or removal of any of the Directors, shall fill all vacancies, until the next annual meeting of the stockholders; and after said company shall be organized, there shall be an annual meeting of the stockholders, which shall take place on the first Monday of May, in each year, for the purpose of electing a Board of Directors, and of transacting of all other business necessary to be done in and about the making and completing of said road, and in the management thereof.

SEC. 5. *Be it further enacted*, That the Board of Directors shall make a full and complete report of the state and condition of said company, at each annual meeting of the stockholders; and also at each call meeting, if demanded by any one of the stockholders.

SEC. 6. *Be it further enacted*, That any person owning one share of stock, shall be entitled to one vote;

and for every additional five shares, an *additional* vote, and that the sum of twenty-five dollars shall constitute a share of stock.

May hold property SEC. 7. *Be it further enacted*, That said corporation may have and hold in fee, or otherwise, lands, tenements, or hereditaments, necessary for said road, and the business thereof, and also any kind of personal property.

Right of way SEC. 8. *Be it further enacted*, That said corporation shall have the right of way through the lands of others on which to locate said road, or any route that may be selected by the stockholders, or a majority thereof, from the town of Dandridge, to the East Tennessee & Virginia Railroad, at any point from Mossey Creek, to the town of New Market.

Commissioners to assess value. SEC. 9. *Be it further enacted*, That in cases where there shall be no agreement as to the right of way for said road, the right of way may be taken, at a valuation of five Commissioners, or a majority of them, to be appointed as directed in the 22d section, of an Act passed the 27th January, 1848, entitled "An Act to incorporate the East Tennessee & Virginia Railroad Company;" and the same rights and remedies given in the 22d and 23d sections of said Act, shall apply to this Act; and said corporation shall have the same rights and remedies; and the land holders the same rights and remedies designated in the said 22d and 23d sections of said Act.

Jefferson County. SEC. 10. *Be it further enacted*, That the County of Jefferson, in this State, through the County Court thereof, may take stock in said company; *Provided*, two-thirds of the Justices of the Peace of said County, present, and acting, shall vote for the taking of the stock in said company.

State appropriation. SEC. 11. *Be it further enacted*, That the sum of twenty thousand dollars of the stock of the East Tennessee & Georgia Railroad Company, appropriated to the New Market, Dandridge & Newport Turnpike Company, by the 50th section, of An Act passed the 24th day of May, 1866, entitled "An Act to incorporate the Tennessee Pacific Railroad Company," be, and the same is hereby, vested in the said Dandridge Railroad Company, so soon as said company shall be formed, to be used exclusively to the grading of said road.

Oath of Directors, etc. SEC. 12. *Be it further enacted*, That before said bonds shall be delivered to said Company, the President and each Director, shall take and subscribe an oath, that said bonds shall be used for no other purpose than

in ironing, equipping and furnishing the iron and equipments for said road.

SEC. 13. *Be it further enacted*, That so soon as said Lien bonds shall be issued to said corporation, the same shall constitute a primary lien on said road, and on all the property, real and personal, and stock of said company, for the payment of said bonds and the interest due thereon.

SEC. 14. *Be it further enacted*, That all of the net earnings of said road, after the same shall be completed, shall be paid into the Treasury of the State, as a credit on said bonds, until the same, and the interest thereon, shall be fully paid; and that a sworn statement of the net earnings of said road shall be annually made by the President of said Company, and filed in the office of the Comptroller of the State. Net earnings

SEC. 15. *Be it further enacted*, That the formation of a Company for the purpose of constructing a Railroad from Greeneville, in Greene County, East Tennessee, to some point on or near the North Carolina line, in the vicinity of Paint Rock, is hereby authorized; which, when formed, shall be a body corporate, by the name and style of the "Greeneville and Paint Rock Railroad Company;" and by such corporate name shall have power to sue and be sued, plead and be impleaded, in all the Courts of this State and of the United States; have and enjoy all the rights, franchises and privileges secured to the East Tennessee and Virginia Railroad Company, by An Act passed January 27, 1848; and be subject to all the restrictions and liabilities contained in the Act chartering the East Tennessee and Virginia Railroad Company; and shall be built and constructed to the requirements of the aforesaid charter. Greeneville & Paint Rock Railroad
Powers, privileges, etc.

SEC. 16. *Be it further enacted*, That the capital stock of said Company shall be fifty thousand dollars, with the privilege of increasing it to a sum sufficient to complete said road; said capital stock to be divided into shares of twenty-five dollars each; and books for subscription of stock in said road, shall be opened on the first Monday in February, 1868, and kept open for five months, every day, (Sunday excepted,) from ten o'clock, A. M., until four o'clock, P. M., at the following places, and by the following persons, to-wit: At Greeneville, by James A. Galbraith, George E. Jones, David S. Ripley, Samuel McGaughey, Ephraim Sink, J. D. McCambell, E. Wilhoute, John N. Stephens, John Maloney, W. A. Allen, A. B. Ingersoll, Lewis F. Self, H. B. Baker and Joseph B. Brown; at Cedar Creek, William Vauhuss and Wil- Capital Stock.
Books to be opened.

Organization

liam Girdner; at Limestone Springs, Rufus R. Waddle and Gordon Taylor; at Tallmage's Foundry, A. A. Tallmage and S. L. Stephens; at Henderson's Depot, D. M. Galbraith and Eli Marsh; at Gourley's Bridge, W. R. Gibbs and Barnard Cooper; at Ramer's Mill, Dr. B. F. Bell; and they, or a majority of them, be, and they are hereby, constituted a Board of Commissioners, to superintend and manage all the affairs of said company, until it shall be fully organized by the election of a Board of Directors, as prescribed by the charter of the East Tennessee and Virginia Railroad Company.

Bonus

SEC. 17. *Be it further enacted*, That the said Commissioners, or a majority of them, at each of the places aforementioned, shall receive subscription for stock in the Rai road Company, during [the] time said books are directed to be kept open; and on each share so subscribed, shall demand and receive the sum of one dollar, without which the subscription shall be void.

To be depos'ed

SEC. 18. *Be it further enacted*, That as soon as the time of receiving subscriptions, as aforesaid, shall have expired, said Commissioners shall respectively deposit all the money so received by them, in some incorporated bank, in East Tennessee, to the credit of said company, and subject to the order of the President of the Board of Commissioners hereinafter appointed; and shall also forward a correct list of the subscribers to said stock, stating the number of shares each subscriber has taken, to a Board of Commissioners, to be composed of the following persons: John McGauhey, John Maloney, A. W. Walker, John P. Holtsinger, Sam. Milligan, S. E.

Commiss'ners

Snapp, James Jones, Joseph Powell, James A. Galbraith, Lewis F. Self, James Britton, D. G. Vance, John A. Brown, A. A. Tallmage, James G. Reaves, Ephraim Sink, James W. Harold and Felix A. Reeve; of whom a majority may establish and adopt rules to govern their own proceedings, elect their own President, and such other officers as they may think necessary and proper; and who, or a majority of whom, shall meet at Greenville, on or before the first Monday in December, 1868, and ascertain the whole number of shares taken in said company, and publish the same in some newspaper printed at Greenville, on or before the first Monday in January, 1869; and if the number of shares taken shall amount to one thousand, on each of which there shall have been paid the sum of one dollar, the Greenville and Paint Rock Railroad Company shall be deemed formed; and thenceforth and from the day of closing the books of subscription as aforesaid, the said

First meeting

Formation

subscribers to the stock shall form a body corporate and politic, in deed and in law, for the purpose, by the name and with the powers, rights, duties, privileges and responsibilities aforesaid; in all things to be represented by the Board of Commissioners aforesaid, until the election of a Board of Directors, as hereinafter prescribed and directed.

SEC. 19. *Be it further enacted*, That if, on closing the books, as aforesaid, it shall be found that the number of shares taken does amount to one thousand, then the Board of Commissioners, last aforesaid, by themselves or their duly-appointed agents, may solicit and receive subscription until said number of shares be taken, at which time the company shall be considered formed and instituted, as aforesaid; of which, notice as aforesaid, shall be given; and may proceed to survey the route of the proposed railroad, and make an estimate of its cost of construction; but the definite and final location of the road shall be left to the first Board of Directors chosen by the stockholders.

SEC. 20. *Be it further enacted*, That as soon as the company is formed, the Board of Commissioners last aforesaid, shall make publication in some newspaper published at Greeneville, notifying the stockholders of said road to meet on a given day at Greeneville, for the purpose of electing the officers of said company, and of transacting other business to perfect the organization thereof; at which time and place, the said stockholders, in person or by proxy, shall proceed to elect a Board of Directors, composed of nine persons, five of whom shall constitute a quorum for the transaction of business; and to enact such rules, regulations and by-laws as may be necessary for the government of the corporation and the transaction of business.

SEC. 21. *Be it further enacted*, That the Board of Directors of said corporation shall hold their office for the term of one year, or until their successors are chosen; and the annual meetings of the stockholders for their election, shall be held at Greeneville, each succeeding year, at such time as the stockholders shall determine, notification to them having been given, as aforesaid. They shall elect a President from among their own number, and may fill vacancies occurring in it during the period for which their board shall have been elected; and all contracts and agreements authenticated by the President, shall be binding on the company without seal; or such other mode of authenti-

Shares insuf-
ficient, books
to be re-open-
ed

Election of
officers, etc.

Term of office

Powers

cating may be used as the company by their regulations, may establish.

Time to commence and complete

SEC. 22. *Be it further enacted*, That the said Greeneville & Paint Rock Railroad Company, shall have three years from the passage of this Act of Incorporation, in which to commence work on said road, and five years thereafter, in which to complete it.

SEC. 23. *Be it further enacted*, That any stockholder in this company, owning and holding in his own right, twenty shares of said stock, shall be eligible to the office of Director in this company.

Jasper & Pikeville Turnpike Co.

SEC. 24. *Be it further enacted*, That so much of An Act passed Feb. 1, 1860, chapter forty-six, as establishes the Jasper & Pikeville Turnpike Company, be, and the same is hereby, revived; and A. A. Coppinger, A. A. Hyde, O. P. Thatch, J. G. Lancaster, and Wm. Prior, of Marion County; Daniel McWilliams, and Wm. Brown, of Sequatchie County; F. A. Henager, and John S. Lee, of Bledsoe County, or any three of them, are hereby constituted Commissioners of said Company, instead of the Commissioners appointed in the 8th section of said Act; and to have and enjoy all the rights and privileges of said company.

Commissioners

Memphis City Railroad Co

SEC. 25. *Be it further enacted*, That the Memphis City Railroad Company, chartered January 7, 1865, is hereby authorized to exercise and enjoy all the rights, privileges and franchises, granted to any other Street Railroad Company, in their charters for the city of Memphis or Shelby County; and that this Act take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXVIII.

AN ACT to Incorporate the Trimble Manufacturing Company, for the purpose of manufacturing Agricultural Implements, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Hallopeter, E. E. Adams, W. W. Woodmansee, John Lumsden, and their associates and successors, are hereby created a body politic and corporate, under the name of the "Trimble Manufacturing Company;" for the purpose of manufacturing and repairing all and every kind of agricultural implements, machinery, engines, furniture, vinegar, and any other branch of mechanism; to carry on a general foundry and casting business; and for that purpose, may erect all necessary buildings, store-houses, depots, machinery, stacks, tanks, pens, engines, and all other fixtures, implements and apparatus, necessary for successfully carrying out the spirit of this charter; and by that name may sue and be sued, plead and be impleaded, appear, prosecute, and defend in any court of law or equity, in all suits and actions; may have a common seal, the same alter and renew at pleasure; and may enjoy all the privileges incident to corporations, for the term of fifty years, with the privilege of renewal; and may purchase, hold, mortgage, transfer, and convey, any real and personal estate. Purposes,
powers, etc.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same, not to exceed five hundred thousand dollars, the same to be divided into shares of fifty dollars each; that as soon as twenty-five thousand dollars of said capital stock shall be subscribed, said company may commence active operations; and that said stock may be subscribed in money, or in personal or real property, as may be agreed upon. Capital stock

SEC. 3. *Be it further enacted,* That the persons hereinbefore incorporated in the first section of this Act, or a majority of them, may organize said company, by electing a Board of Directors, to consist of five members, one of whom shall be elected President; to elect a Secretary, Treasurer, and Superintendent, and such other officers as may be necessary for successfully carrying out the operations of the Company; to make such by-laws, alter and amend the same at pleas- Organization

Government

ure, for the government of the corporation, as may seem meet and proper, not inconsistent with the laws of the United States and of this State; that said Board of Directors shall continue in office for one year, or until their successors are elected by the stockholders. A majority of the Board of Directors shall constitute a quorum to do business; may declare and pay dividends on the capital stock, from time to time; the stockholders may vote at all elections, in person or by proxy; that the stockholders shall be individually liable for the amount of stock subscribed by each, until the same is paid in full, in money or by the transfer of property, real or personal, as hereinbefore provided; the subscriptions to be paid in such manner as the by-laws shall provide; no stockholder to be entitled to certificates for stock, or allowed to vote on the same, beyond the amount actually paid in.

Liability, etc.

Elections

SEC. 4. *Be it further enacted*, That all future Boards of Directors shall be elected by the stockholders, at their annual meeting; which Boards of Directors shall be vested with like powers and privileges as those granted to the original board; to elect all officers named in section third of this Act, to amend the by-laws of the company, to provide for the transfer of the stock owned by the stockholders; to keep a stock-book, in which shall be entered the name and residence of each stockholder, and the amount of stock owned by each; the amount paid in, the transfer of all shares of stock; the date of such transfers, and to whom made; also books showing the assets and liabilities of said company, of what they consist, the profits and losses of the same; which books shall be subject to the inspection of the stockholders at all times.

Books

Branches

SEC. 5. *Be it further enacted*, That said company may establish each class of manufacturing herein named by itself as a branch of the original company, but to be at all times under the control of the mother company.

Chattanooga
Cotton Spin-
ning and
Weaving
Company

SEC. 6. *Be it further enacted*, That Toley Vaughn, John D. Blackford, T. R. Stanley, and Thos. P. Overton, and such others as may be associated with them as hereinafter mentioned, shall be, and they are hereby constituted a body politic and corporate, under the name of the "Chattanooga Cotton Spinning and Weaving Company," for the purpose of spinning, weaving and packing cotton, and for manufacturing cotton fabrics of any and all kinds; also cotton and wool cards, and card clothing.

SEC. 7. *Be it further enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing the same to five hundred thousand dollars. Capital Stock

SEC. 8. *Be it further enacted*, That the stock of said company shall be deemed personal property, and pass as such, to the representative or heirs at law of each stockholder, and be transferred, and certificates thereof issue in the manner prescribed by the President and Directors of said company. Stock personal property

SEC. 9. *Be it further enacted*, That Toley Vaughn, John D. Blackford, T. R. Stanley, and Thos. B. Overton, are hereby appointed Commissioners to receive subscriptions of stock in said company, which they or either of them may do, without further organization. Commiss'ners

SEC. 10. *Be it further enacted*, That when the sum of twenty thousand dollars shall have been subscribed, said Commissioners shall call a general stockholders' meeting, by five days' notice, by publication in a newspaper, published at Chattanooga. The stockholders each, shall have one vote for every one hundred dollars of stock he may own, and at said general stockholders' meeting shall organize said company, by the election of a President, Secretary and Treasurer of said company, and prescribe the duties of said officers, and fix their term of office. Organization,

SEC. 11. *Be it further enacted*, That said company shall have the right to sue and be sued in their corporate names, in any of the courts of law and equity, in this State; and may buy and hold any and all such real estate as may be necessary for carrying on said business, or for the purpose of collecting debts, and may transfer the same at pleasure. Rights

SEC. 12. *Be it further enacted*, That a body corporate and politic, is hereby constituted and established by the name and style of the "Shannon Novelty Works," for the purpose of manufacturing agricultural implements, wagons and plows; and for planing lumber, making doors, sash, window blinds, and preparing all manner of material for building purposes; for casting iron and brass, and making all kinds of machinery, and sounding the same; and said company is empowered to make and use a common seal, and the same to change at pleasure, to make such by-laws, not inconsistent with the laws of this State, or of the United States, as are necessary or useful; to sue and be sued, to plead and be impleaded; to have succession; to hold by purchase or otherwise, and to dispose of the Shannon Novelty Works
Powers privileges, etc.

same, any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due it in whole or in part; *Provided*, nevertheless, that the real estate so held at no time, exceed the maximum amount of its capital hereinafter provided for.

Capital Stock SEC. 13. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each, shall not consist of less than one hundred shares, nor more than three thousand shares, shall be transferred only on the books of the company, and then only with the consent of the Board of Directors, unless the whole amount of instalments due thereon shall have been paid. The company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part, or it may at its option, sue for and recover the amount unpaid, before any tribunal having jurisdiction of such sums, first, however, giving thirty days' notice of such call having been made.

Forfeiture of Stock

Commiss'ners SEC. 14. *Be it further enacted*, That J. Robert Chappell, John Conger, Philander W. Conger, Nathan H. Whittow, W. D. Robinson, and John Irwin, of Madison County, are hereby appointed Commissioners, any three of whom may act to open books of subscription to the capital stock of said company, at such time and place as they may select; and when the number of one hundred shares or such greater number, not exceeding three thousand, as may be determined on by the acting Commissioners, shall have been subscribed for, the said company shall proceed to elect five Directors, who, with a President, to be elected from their own body, shall manage the affairs of said company or corporation; may hold their office for the term of one year, or until their successors shall be elected.

Organisation

Increase of Stock. SEC. 15. *Be it further enacted*, That said corporation may, at any time, increase its stock, by a vote of the holders of a majority of the stock already subscribed; *Provided*, it shall not be increased beyond three thousand shares.

Contract SEC. 16. *Be it further enacted*, That all contracts shall be signed by the President, and in his absence, by a President *pro tem.*, appointed by the Directors.

Jackson Cotton Mills SEC. 17. *Be it further enacted*, That a body corporate and politic, is hereby constituted and established by the name and style of the "Jackson Cotton Mills," for the purpose of manufacturing goods and articles

from cotton, wool, hemp, or silk; and for the erection of mills for the grinding of grain and the manufacture of flour; and said company is empowered to make and use a common seal, and the same to change at pleasure; to make such by-laws, not inconsistent with the laws of this State, or of the United States, as are necessary or useful; to sue and be sued, to plead and be impleaded; to have succession; to hold by purchase or otherwise, and dispose of the same, any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of, in payment of debts due it in any part, or in whole; *Provided*, nevertheless, that the real estate so held, shall at no time, exceed the maximum amount of its capital hereinafter provided for. Powers

SEC. 18. *Be it further enacted*, That the capital Capital Stock. stock of said company, shall be divided into shares of fifty dollars each; shall not consist of less than four hundred shares, nor more than six thousand shares; shall be transferred only on the books of the company, and then only with the consent of the Board of Directors, unless the whole amount of installments due thereon, shall have been previously paid. The company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part, or it may, at its option, sue for, and recover the amount unpaid, before any tribunal having jurisdiction of such sums; first, however, giving thirty days' notice of such call having been made.

SEC. 19. *Be it further enacted*, That Addison Pyles, Commission- R. B. Hunt, Calvin Spiny, A. R. Reid, Theoderick ers. Webb, John R. Alston, L. B. Haughton, A. S. Rogers, Robert W. Hall and John S. Miller, of Madison County, are hereby appointed Commissioners, any three of whom may act to open books of subscription to the capital stock of said company, at such time and place as they may select; and when the number of four hundred shares, or such greater number, not exceeding six thousand, as may be determined on by the acting Commissioners, shall have been subscribed for, the said Organization company shall proceed to elect four Directors, who, with a President to be elected from their own body, shall manage the affairs of said company or corporation, and may hold their office for the term of one year, or until their successors shall be elected.

SEC. 20. *Be it further enacted*, That said corpora- Increase of tion may, at any time, increase its stock by a vote of Capital. the holders of a majority of the stock already sub-

scribed; *Provided*, it shall not be increased beyond six-thousand shares.

Contracts.

SEC. 21. *Be it further enacted*, That all contracts shall be signed by the President, and in his absence, by a President *pro tem.*, appointed by the Directors.

West Tennessee Paper Mills.

SEC. 22. *Be it further enacted*; That a body corporate and politic, by the name and style of the "West Tennessee Paper Mills," for the purpose of manufacturing paper, is hereby constituted and established; to continue and have succession for ninety-nine years; with power to make and use a common seal, the same to change at pleasure; to make such by-laws, not inconsistent with the laws of the State of Tennessee, or of the United States, as it may deem useful or necessary for its government; to sue and be sued, to plead and be impleaded; to hold, by purchase or otherwise, and dispose of the same, any real or personal property which may be useful or expedient for carrying on its business; or which it may become possessed of, in payment of debts to it, in whole or in part.

Rights and Powers.

Shares.

SEC. 23. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each; shall consist of not less than two hundred, nor more than three thousand shares; shall be transferable only on the books of the company, and then only with the consent of the Board of Directors, or a majority of them in session, unless the whole amount of the installments due thereon shall have been previously paid. The company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part; or it may, at its option, sue for and recover the amount unpaid, before any tribunal having jurisdiction of such sums, first, however, giving thirty days' notice of such call having been made.

Forfeiture.

Commissioners.

SEC. 24. *Be it further enacted*, That William W. Gates, Nathan H. Whillow, Francis D. Theus, William E. Butler, Jr., William H. Stephens, David J. Meriweather, William F. Still and Samuel H. Gill, of Madison County, are hereby appointed Commissioners, any three of whom may act to open books of subscription to the capital stock of said company, at such time and place as they may select; and when the number of two hundred shares, or such greater number, not exceeding three thousand, as may be determined on by the acting Commissioners, shall have been subscribed for, the said company shall proceed to elect five Directors, who, with a President, to be elected from their

own body, shall manage the affairs of said company or corporation; and may hold their office for the term of one year, or until their successors shall be elected.

SEC. 25. *Be it further enacted*, That said corporation may at any time, increase its stock, by a vote of the holders of a majority of the stock already subscribed; *Provided*, it shall not be increased beyond three thousand shares. May increase capital.

SEC. 26. *Be it further enacted*, That all contracts shall be signed by the President; and in his absence, by a President *pro tem.*, appointed by the Directors. Contracts.

SEC. 27. *Be it further enacted*, That a body corporate and politic is hereby constituted and established, by the name and style of the "Jackson Shoe and Leather Company," for the purpose of manufacturing boots, shoes, harness, saddles, bridles, and for tanning, dressing and furnishing leather, and for vending the same; and said company is empowered to make and use a common seal, and the same to change at pleasure; to make such by-laws, not inconsistent with the laws of this State, or of the United States, as are necessary or useful; to sue and be sued, to plead and be impleaded; to have succession; to hold, by purchase or otherwise, and to dispose of the same, any real estate or personal property, which may be convenient or necessary for carrying on its operations, or which it may become possessed of in payment of debts due it, in any part or in whole; *Provided*, nevertheless, that the real estate so held, shall at no time, exceed the maximum amount of its capital hereinafter provided for. Jackson Shoe & Leather Co.
Powers and privileges

SEC. 28. *Be it further enacted*, That the capital stock of said company shall be divided into shares of one hundred dollars each; shall not consist of less than two hundred shares, nor more than three thousand shares; shall be transferred only on the books of the company, and then only with the consent of the Board of Directors, unless the whole amount of installments due thereon shall have been paid. The company shall have power to declare forfeited to it, any stock which may remain unpaid, in whole or in part; or it may, at its option, sue for and recover the amount unpaid, before any tribunal having jurisdiction of such sums, first, however, giving thirty days' notice of such call having been made. Capital Stock
Forfeiture

SEC. 29. *Be it further enacted*, That Addison Pyles, James O. Conner, Alex. W. Campbell, Robert W. Hall and Charles T. Hogsett, of Madison County, are hereby appointed Commissioners, any three of whom Commissioners

Organization

may act to open books of subscription to the capital stock of said company, at such time and place as they may select; and when the number of two hundred shares, or such greater number, not exceeding three thousand, as may be determined on by the acting Commissioners, shall have been subscribed for, the said company shall proceed to the election of five Directors, who, with a President to be elected from their body, shall manage the affairs of said company, and may hold their office for the term of one year, or until their successors shall be elected.

**May increase
Capital**

SEC. 30. *Be it further enacted*, That said corporation may, at any time, increase its stock by a vote of the holders of a majority of the stock already subscribed; *Provided*, it shall not be increased beyond three thousand shares.

Contracts

SEC. 31. *Be it further enacted*, That all contracts shall be signed by the President, and in his absence, by a President *pro tem.*, appointed by the Directors.

**Madison Fur-
niture Fac-
tory**

SEC. 32. *Be it further enacted*, That a body corporate and politic, by the name and style of the "Madison Furniture Factory," with all the powers, rights, and privileges vested in the "Jackson Cotton Mills." The business of the Madison Furniture Factory, is to procure and prepare material, and to make any and all kinds of chairs, bureaus, sofas, tables, safes, bedsteads, and all other kinds of furniture, and to vend the same; and they are hereby granted all the rights herein conferred on said "Jackson Cotton Mills," as to organization, direction, and other matters, so far as they apply to said furniture business.

**Commission-
ers**

SEC. 33. *Be it further enacted*, That, R. B. Jones, James M. Woodland, William E. Butler, Sr., B. M. Hayes, Arch. White, John M. Parker, and John Wilhelm, are hereby constituted and appointed Commissioners, any three of whom may act, to open books of subscription to the capital stock of said Company.

**Masonic Tem-
ple of Jackson**

SEC. 34. *Be it further enacted*, That John Chester, James O. Conner, R. H. Anderson, A. W. Jones, Wm. Alexander, John B. Morris, Thomas Murrell, John T. Beverage, B. R. Pearson, J. R. Chappell, P. D. W. Conger, and their associates and successors, are hereby created a body corporate and politic by the name and style of the "Masonic Temple of Jackson;" and by that name shall have succession for a period of fifty years; and shall be capable of suing and being sued, both at law and in equity, in all courts and places whatsoever; and that they and their successors may

Powers.

have a common seal, and may alter or change the same at will; and shall also be capable of acquiring, holding, conveying, and pledging property, real, personal, and mixed, as may be required for the purpose of the association.

SEC. 35. *Be it further enacted*, That the incorporators in person shall, as soon after the passage of this Act as convenient, meet and organize, by the election of a Board of Directors, consisting of not less than seven in number, who shall have the management and control of the affairs of the Company; and that said Directors shall elect annually, from their number, a President, Vice President, Secretary, and Treasurer, and such other officers as they may require; and the said Directors, or a majority of them, may, from time to time, make, ordain, and establish such laws and regulations for the government of said corporation in its proceedings, and for the management of its stock and property, as may by them be deemed necessary and convenient; *Provided, however*, that the same be not repugnant to the laws and constitution of the State and of the United States.

Organization
Elections, etc.

Privileges and
Powers.

SEC. 36. *Be it further enacted*, That the capital stock of the company shall not exceed fifty thousand dollars; to be divided into shares of twenty dollars each, which stock may be subscribed for and held by Masonic Lodges, or individuals; and that said corporation shall have power to erect a hall and buildings suitable for its uses.

Capital Stock.

SEC. 37. *Be it further enacted*, That the stock and property of said corporation, of whatever nature, shall be assignable and transferable on the books of said corporation, in such manner as the regulations and by-laws thereof prescribe.

Transfer of
stock, etc.

SEC. 38. *Be it further enacted*, That John L. H. Tomlin, Edward Lindsey, Jesse H. Harper, P. C. McCorvat, John L. Brown, Alexander C. Caldwell, J. L. Lancaster, J. M. Parker, H. C. McCutchen, and their associates and successors, are hereby created a body corporate and politic, by the name and style of the "Odd Fellows' Hall of Jackson;" and by that name shall have succession for a period of fifty years, and shall be capable of suing and being sued, both at law and in equity, in all courts and places whatever; and that they and their successors may have a common seal, and may alter, change, or destroy the same at will; and shall also be capable of acquiring, holding, conveying and pledging property, real, personal, and

Odd Fellows'
Hall of Jackson

Powers, etc.

mixed, as may be required for the purpose of the association.

Organisation
elections, &c.

SEC. 39. *Be it further enacted*, That the incorporators, in person, shall, as soon after the passage of this Act as convenient, meet and organize, by the election of a Board of Directors, consisting of not less than seven in number, who shall have the management and control of the affairs of the company; and that said Directors shall elect, annually, from their number, a President, Vice President, Secretary and Treasurer, and such other officers as they may require. And the said Directors, or a majority of them, may, from time to time, make, ordain and establish, such laws and regulations, for the government of said corporation in its proceedings, and for the management of its stock and property, as may, by them be deemed necessary and convenient; *Provided, however*, that the same be not repugnant to the laws and constitution of the State, and the United States.

Rights and
Privileges.

Capital Stock

SEC. 40. *Be it further enacted*, That the capital stock of the Company, shall not exceed fifty thousand dollars, to be divided into shares of twenty dollars each; which stock may be subscribed for and held by the Odd Fellows Lodges, or individuals. And that said corporation shall have power to erect a hall and buildings suitable for its uses.

Transfer of
Stock, &c.

SEC. 41. *Be it further enacted*, That the stock and property of said corporation, of whatever nature, shall be assignable and transferable on the books of said corporation, in such manner as the regulations and by-laws thereof may prescribe.

Angerona
Lodge, No.
168, F. & A. M.

SEC. 42. *Be it further enacted*, That the Master, Wardens and Members of Angerona Lodge, No. 168, F. & A. M., of the City of Memphis, Tennessee, shall be, and they are hereby, incorporated, under the style of "Angerona Lodge, No. 168, F. & A. M., of the City of Memphis;" by which name they shall have ninety-nine years succession, with power to sue and be sued, implead and be impleaded; and to do and perform all acts and things which bodies corporate may do, for the purposes hereinafter mentioned.

Powers, Priv-
ileges, &c.

SEC. 43. *Be it further enacted*, That the corporation shall have power to receive, by gift, bequest, devise or purchase, and to hold, real and personal property, that has or may be given, bequeathed, devised or purchased, for the erection of a hall, or for charitable purposes; and to sell, exchange, mortgage, lease, let, or otherwise charge or encumber, and dispose

of the same as, in their judgment, shall seem best for the interests of the Lodge.

SEC. 44. *Be it further enacted*, That the present Master and Wardens, and their successors in office, shall be the officers of the corporation hereby created; but the Lodge may, in their by-laws, provide for such additional officers as they think necessary, who shall be chosen in such manner as the by-laws may direct. Officers.

SEC. 45. *Be it further enacted*, That the said Master Wardens and Members, shall have power and authority to make all by-laws, which may be necessary for the government of the corporation, and do all things necessary to carry out the objects of their incorporation; *Provided*, such by-laws shall not conflict with the Constitution of the State. By-Laws, &c.

SEC. 46. *Be it further enacted*, That South Memphis Lodge, No. 118, F. & A. M.; Lielia Scott Lodge, No. 289, F. & A. M., and Hamilton Lodge, No. 299, F. & A. M., are hereby incorporated as a body politic, with all the rights, privileges and immunities, granted to Angerona Lodge, No. 168, F. & A. M. South Memphis Lodge, No. 118, F. & A. M.

SEC. 47. *Be it further enacted*, That D. S. Boyd, Wm. Waters, E. Barber and Thos. Waters, and their associates and successors, are hereby incorporated a body politic and corporate, by the name and style of the "Watertown Cotton and Woolen Manufacturing Company, with a capital of \$50,000, to be divided into shares of \$50 each; with all the powers and privileges hereinbefore granted the ——— Mills; and shall have succession for fifty years, with all the powers and privileges necessary and common to similar corporations. Waterloo Cotton and Woolen Manuf'g Company.

SEC. 48. *Be it further enacted*, That sections 12 and 13, of An Act passed February 21, 1866, [and] An Act passed February 17, 1854, amending the charter of the Cumberland and Stones River Turnpike Company, be, and the same are hereby, repealed. Act Feb. 21, '66 etc., repealed

SEC. 49. *Be it further enacted*, That An Act passed February 24, 1852, declaring the forfeiture of the charter of the Cumberland and Stones River Turnpike Company, be, and the same is hereby, revived and declared to be in full force and effect; *Provided*, that this Act shall not be construed to invalidate any legal acts of the officers or agents of said Turnpike Company, made in pursuance of the Acts hereby repealed. Act Feb 24, '52 revived

SEC. 50. *Be it further enacted*, That it shall be the duty of the Commissioners or Directors of said company, to make specific semi-annual reports, on 1st January and 1st July, every year, of all receipts and expendi- Semi-Annual Report

tures of said road, to the Commissioner of Roads, or to the Internal Improvement Commissioner, and pay to the Commissioner, for the State Treasury, all monies, after meeting the necessary expenses of keeping said road in repair.

ActDec. 11, '65 amended
 SEC. 51. *Be it further enacted*, That An Act passed December the 11th, 1865, entitled "An Act to incorporate the East Tennessee Improvement, Mining and Manufacturing Company," be so amended, that the capital stock of said company shall be one hundred thousand dollars, instead of four hundred thousand dollars.

Memphis Cotton Press Co.
 SEC. 52. *Be it further enacted*, That W. B. Wald-run, George M. Gill, P. M. Patterson, W. H. Geilen, and James M. White, and their associates, be, and they are hereby, created a body corporate, by the name and style of the "Memphis Cotton Press Company," and by that name and style, may sue and be sued, may plead and be impleaded, and shall have succession for fifty years.

Capital
 SEC. 53. *Be it further enacted*, That the capital of said company shall be two hundred thousand dollars, (\$200,000,) divided into shares of one hundred dollars each, (\$100.) When the full sum of two hundred thousand dollars shall be subscribed, by *bona fide* subscribers, and ten per cent. of the sum be paid in, the corporators shall advertise not less than five days, in some newspaper published in the City of Memphis, calling a meeting of the stockholders, giving the time and place of such meeting, which shall be in the City of Memphis. When said stockholders meet, they shall elect a Board of Directors, consisting of three or five of their own number, who shall be elected for one year, and shall hold their office until their successors are elected and organized. When said Board of Directors are elected, they may elect a President of their own number, and may also elect a Treasurer and such other officers as they may deem necessary for conducting said business, and fix their salaries; all officers thus elected shall hold their offices during the pleasure of the Board of Directors only.

Election of Directors, etc.
 Powers, &c.
 SEC. 54. *Be it further enacted*, That when said board is thus elected and organized, they shall have power to have and hold real and personal estate, sufficient for the transaction of their business; may build cotton sheds, store cotton and other products and merchandise for compensation; may erect steam or other power presses, for compressing cotton for shipment to Europe, or elsewhere.

SEC. 55. *Be it further enacted*, That should the busi- ^{May increase}
 ness at any time require an increase of capital, said ^{Capital}
 company may increase their capital to five hundred
 thousand dollars, by a majority of the stockholders as-
 senting thereto. In all elections held by stockholders,
 or questions submitted to them, such stockholder shall ^{Voting}
 have one vote for each share of stock owned by him,
 which may be voted in person or by proxy.

SEC. 56. *Be it further enacted*, That the Board of
 Directors may call for the payment of stock in such ^{Payment of}
 sums as they may deem expedient, not exceeding ten ^{Shares}
 (10) per cent. at any one time; of which required pay-
 ment, ten days' notice shall be given in some newspaper
 published in the City of Memphis; and a failure to pay,
 according to the rules of said company, any of the in- ^{Forfeiture}
 stallments so called for, shall induce a forfeiture of the
 share or shares, on which default shall so be made, and
 all payments thereon; and the same shall invest in and
 belong to said company, and may be returned to the
 subscriber by the Board of Directors, upon the payment
 of all arrears on such shares, and interest thereon, if
 said Board of Directors shall deem it proper; or they
 may waive forfeiture after thirty days' default, and sue
 the stockholder at their option.

SEC. 57. *Be it further enacted*, That James S. Bon- ^{Eureka Lead}
 ham, Charles Davis, Hugh M. Bonham and E. Walker, ^{Company}
 their associates and successors, with thirty-three years
 succession, by the name and style of the "Eureka Lead
 Company of Blount County;" by that name may sue
 and be sued, plead and be impleaded, in all courts and
 places; contract and be contracted with, in all matters
 pertaining to the business and objects of the corpora-
 tion, and any and all acts which a corporation may or
 can do in fulfilment of its charter; and the object and ^{Powers}
 ends of its organization; may have a common seal,
 which may be changed or altered at the pleasure of the
 company.

SEC. 58. *Be it further enacted*, That the object and ^{Object}
 purpose of the corporation shall be the mining for lead
 and other valuable minerals, and the manufacturing
 and transportation to market of the same.

SEC. 59. *Be it further enacted*, That the capital stock ^{Capital Stock}
 of the company shall be one hundred thousand dollars,
 to be increased to one million dollars, to be divided into
 shares of fifty dollars each, which shall be personal pro-
 perty, and assignable on the books of said company, in
 such a manner as may be prescribed by its by-laws.
 Lands and other real estate, mines, mineral rights and

interests therein, may be described as a part of the whole of said stock, and upon such terms as may be agreed upon by the subscribers and the company, and in pursuance of the laws for the sale and conveyance of real estate.

Management **SEC. 60.** *Be it further enacted,* That stock, property and general prudential affairs of said company shall be managed by a board of not less than three, nor more than seven Directors, to be chosen by the stockholders, for one year; a majority in interest being necessary to a change, and each share of stock shall count one vote; **Provisos** *Provided,* the Directors first chosen, shall hold their offices for the remainder of the current year, and until their successors are elected; *and Provided,* a President of the board shall be elected for the same time, by the Directors, from among themselves or the stockholders. The President and Directors shall be stockholders of the company, and they may appoint such other officers and employes as they may deem proper. A majority of the Directors shall constitute a quorum to do business.

Books **SEC. 61.** *Be it further enacted,* That the company shall keep a book, which shall always be kept open to the inspection of each stockholder. In it shall be kept the names and amount of stock held, and the amount of each stockholder, and the amount paid in; also a book, in which shall be recorded a full and faithful account of the proceedings, rules, and by-laws and acts of said company, except accounts and contracts with individuals.

By-laws **SEC. 62.** *Be it further enacted,* That the President and Directors may make such by-laws, rules, and regulations, or alter or amend the same, as they may deem proper, consistent with this charter, and not inconsistent with the laws of this State, or those of the United States, prescribing the times, places and manner of holding elections, the transferring of stock, the enforcement of payment thereof; the forfeiture for non-payment; the time and manner of payment; the duties and authority of officers, agents, and employes; mode of filling vacancies; the character, kind, and amount of business; and any and all such as may be necessary for the proper, prudential, and effective management of the property and business of said company, and to effect the object and interest of this Act.

May hold property **SEC. 63.** *Be it further enacted,* That the company shall have power to take, acquire and hold, such lands, mines, and mining rights, as they may deem necessary

for the uses of said company, not exceeding fifty thousand acres; and also to contract for the right of way for [any] and all roads, and railroads, and unite the same with any others, on such terms as may be agreed upon, or to carry the same to any navigable stream; and to have such buildings, yards, wharves, boats, and floats, as may be necessary, and all personal property required to conduct [the] business of the company, and to dispose of any or all of the same, for the use of the company or its stockholders.

SEC. 64. *Be it further enacted*, That An Act passed December 14, 1847, incorporating the town of Trenton, Gibson County, Tennessee, be so amended as to include the territory lying west and south of said corporation, bounded as follows, to-wit: Beginning at the north-west corner of said corporation, and running due west to the Mobile & Ohio Railroad; thence south with said railroad to a point south, opposite an alley along the south boundary, to include the lots of McGee, Richardson, Pearce, Davis, Calwell, and others, to a point opposite the south-east corner of said corporation, and thence north, to connect with the south-east corner of said corporation.

Charter of
town of Tren-
ton amended

SEC. 65. *Be it further enacted*, That John Frater, James Spencer, Barnan Stanberg, Samuel L. Thompson, and Mark A. Cooper, their successors or assigns, are hereby made and declared a body politic and corporate.

John Frater,
and others

SEC. 66. *Be it further enacted*, That said company shall have the name and style of the "Marion County Iron and Manufacturing Company," for the manufacture of iron, work mines for ore or stone coal, or other minerals; to flux, refine them, and modify their properties in such manner as they may wish to suit their purposes, in their interest in trade.

Marion Co.
Iron and
Manufactur-
ing Company.

SEC. 67. *Be it further enacted*, That said company may have a common seal, hold real estate by deed in fee simple, or lease, or other title; buy and sell real estate or personal property for the use of the company; sue and be sued, plead and be impleaded, contract and be contracted with, and all things which a company of this character may of right do by writing under seal, signed by such officer or officers, or agents, as they may appoint by their by-laws; borrow and loan money, and do such other acts as may be required in the course of business.

Powers and
Privileges

SEC. 68. *Be it further enacted*, That said company have ninety-nine years succession, and have stock to the amount of one hundred thousand dollars, which

Capital Stock
etc.

may be increased to two hundred thousand dollars, at the discretion of the company. The shares shall be one hundred dollars each; and all questions shall be decided by the stockholders; each share being entitled to one vote; and a majority shall govern, except when otherwise provided by the by-laws of the company.

By-laws, etc. SEC. 69. *Be it further enacted*, That said company may make its own by-laws for the conduct of their affairs, not inconsistent with the laws of the State of Tennessee. Their business may be conducted by a President and Board of Directors, or such person or persons as they may appoint. Said Company may organize and begin to operate or carry on their business, whenever, in their opinion, sufficient capital shall have been paid in.

Banking SEC. 70. *Be it further enacted*, That nothing in this Act shall be so construed as to confer the privilege of banking.

Rockford Manf. Co. SEC. 71. *Be it further enacted*, That R. J. Wilson, A. A. Kennedy, and James Rogers, and such other persons as may hereafter be associated with them, and their successors, are hereby incorporated by the name and style of the "Rockford Manufacturing Company," for the purpose of manufacturing goods and articles from cotton, wool, hemp and silk; for the making of machinery or implements of wood, iron, or other materials; and for the erection of mills for grinding grain, and manufacturing flour; and for the erection of a dam and toll bridge across Little River, in the County of Blount, State of Tennessee. The capital stock

Purposes. of said company shall be not less than fifty thousand dollars, which may be increased to five hundred thousand dollars, in shares of one hundred dollars each. Said company shall have all the rights, privileges and powers, and be subject to all the limitations, liabilities and restrictions, so far as they are applicable, which are given to and prescribed for the Edgefield Allisonia Manufacturing Company, by an Act, passed December 14th, 1849. That said company shall have, not less than three, nor more than five Directors, who, with a President elected from their own body, shall govern and manage the affairs of said company, and shall hold their office one year, and until their successors are elected.

Powers and privileges. SEC. 72. *Be it further enacted*, That the sale of spiritous or vinous liquors, shall be prohibited in Rockford, or within two miles of said place.

**Spiritous
liquors.**

SEC. 73. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXIX.

AN ACT in relation to the New Orleans, Mobile & Chattanooga Railroad Company, a corporation of the State of Alabama, and authorizing and empowering said Company to exercise and enjoy its corporate powers and franchises in the State of Tennessee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the New Orleans, Mobile & Chattanooga Railroad Company, a corporation incorporated, organized and existing under and by virtue of its Act of incorporation, duly enacted by the Legislature of the State of Alabama, entitled, "An Act to incorporate the New Orleans, Mobile & Chattanooga Railroad Company," approved November 24th, 1866, is hereby recognized and approved, as a body politic and corporate, with all the powers, privileges, rights and franchises granted to it by said State of Alabama, in and by its said act of incorporation; hereby adopting, confirming and approving all the provisions of said Act of incorporation, granted to said company, so far as the same may be applicable to this State, and may be adopted, approved and confirmed thereby, and are not contrary to the general Statutes thereof. The said company is hereby invested with the powers, privileges and franchises granted to it in its said Act of incorporation, and is empowered and authorized to exercise and enjoy the same in this State; and to have, exercise and enjoy all the rights, powers, privileges and franchises pertaining to corporate bodies, within this State, necessary for the full enjoyment and exercise of the said rights, powers, privileges and franchises, granted and secured to it by its said Act of incorporation, and necessary to secure, attain and accomplish the objects

and purposes of its incorporation, in the same manner, and with the like power and effect as if said company had been incorporated by virtue of any grant or law of this State, subject only to the conditions, provisions and restrictions of this Act, as hereinafter set forth, and the general laws of this State.

May construct railroad. SEC. 2. *Be it further enacted,* That to enable said company to accomplish the purposes and objects of its incorporation, the furtherance and pursuit of which, in this State, is hereby granted, the said company is empowered and authorized: *First,* To construct and maintain, and thereafter to own, maintain, manage and use, a railroad, with such tracks and suitable turnouts, and upon such a course or route as may be deemed, by a majority of the Directors of said company, most proper, expedient or necessary, and best adapted for the public accommodation, from some point in the city of Chattanooga, in this State, towards and to any point on the line between this State, and the States of Georgia and Alabama, and thence extending the same through the said States of Georgia and Alabama, or either of them, with the power and authority to extend the said railroad as contemplated in the said Act of incorporation.

Route of road *Second,* To construct, establish or purchase in this State, and thereafter to own, maintain and use, suitable wharves, piers, warehouses, steamboats, harbors, depots, stations, and other works and appurtenances, connected with, and incidental to, said railroad and the business of said company, and by the Directors of said company, deemed necessary and expedient for said company to own and manage.

Property. *Third,* To take transport, carry and convey persons and property upon its said railroad and its boats, by power of steam or any other power, and to receive for the same, such tolls and charges as shall be established by the Directors of said company.

Transportation. *Fourth,* To obtain and receive by purchase, grant, gifts, devise and bequest, and to have and to hold real and personal estate in the State of Tennessee, for the objects, purposes and business of said company, and to the extent provided and set forth in its said act of incorporation, excepting that in the taking and holding of lands for the use of said company, as lands taken for public use, the said company shall take and obtain the same as in this Act provided.

Real and personal estate. *Fifth,* To lay out its said railroad, and to construct the same, not exceeding two hundred feet in width, upon any lands of this State, and to take, hold and use for the purpose of necessary depots, stations, cut-

Construction of railroad.

tings, turnouts, and for obtaining stone, gravel, earth and timber for the construction of its said railroad, any lands of this State, lying along or upon or adjacent to the route or course of said railroad, that may be necessary for the construction, maintenance and security of such railroad; *Provided, however*, that any *Proviso.* and all damages that may be occasioned, or that may arise to any person, corporation, or association, other than the State of Tennessee, by the taking and using of such lands and material for the use of said company, as aforesaid, shall be assessed and paid for by said company, as provided in this Act. *Sixth*, To construct *Right of way.* and maintain its said railroad, or any part of the same, and to have the right of way therefor, across, or along, or upon any waters, water course, river, bay, inlet, street, highway, turnpike, or canal, within this State, which the course of said railroad may intersect, touch, or cross; *Provided*, the said company shall preserve any water course, street, highway, turnpike, or canal, which its said railroad may so pass upon, along, intersect, touch or cross, so as not to impair its usefulness to the public unnecessarily, or if temporarily impaired in and during the construction of said railroad, the said company shall restore the same to its former state, or such a state that its usefulness and convenience to the public shall not be unnecessarily or materially impaired or injured. *Seventh*, *Be it further enacted*, *Incorporated* That the said company is hereby authorized and em- *cities or towns.* powered to obtain, by grant, or otherwise, from any incorporated city or village, within this State, that may be situated upon its railroad, any rights, privileges, or franchises that any of said incorporated cities or villages may choose to grant, in reference to the construction, maintenance and management, of the said railroad of said company, its depots, cars, locomotives, and its business, within the limits of such or any of said incorporated cities and villages. And any such incorporated city or village, as hereinbefore named, is hereby authorized and empowered to grant to said company, any such rights, privileges and franchises, as it may deem proper and advisable, and such rights, privileges and franchises, when granted to and accepted by said company, from any of such incorporated city or village, shall be deemed and taken, as rights, privileges and franchises, vested and confirmed in said company, and not liable to be thereafter worked, changed, injured or impaired, except with the consent of said company.

SEC. 3. *Be it further enacted*, That said company,

May contract
for and hold
lands or right
of way.

being hereby authorized to purchase, receive and hold such real estate as may be necessary and convenient, in accomplishing the object for which this company is organized, it may, by its agents, surveyors, engineers, and servants, enter upon all lands and tenements through which it may conclude to make such railroads, and survey, lay out, and construct the same, and may agree and contract for the land, or right of way, with the owners of the land, through which it intends to make said roads; or in case said lands be held by trustees of school sections, or other trustees of estates, then with such trustees. And said trustees, are hereby declared competent, for such estate, person or minor, to contract with said company, to use, occupy and possess the lands of such estates, persons, minors, or trustees, so far as may be useful or necessary, for the purpose of said railroads; and the act and deed of said trustees, in relation thereto, shall pass a title in such lands, in the same manner as if the said deed or act was made or done by a legal owner, of full age and sound mind; and such trustees shall account to those interested in their respective bonds for the amount paid him, in pursuance of such agreement and compensation; and if the said company and the parties representing lands, prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire, (in case of disagreement,) shall vest title, according to its terms.

May apply to
Circuit Court.

SEC. 4. *Be it further enacted*, That if said company is unable to agree for the purchase of any real estate, or the right of way thereupon, or any estate therein, required for the use and purposes of said company, as provided in the preceding section, or is unable, for any cause, to obtain the title, or right of way therein, it shall have the right to acquire title to the same in the following manner: The said company may apply to any Circuit Court of the county in which the said land lies, at any general or special term, or to any Judge thereof, in vacation. Such application shall be made in writing, and signed by the President or one of the Directors of said company, or by an agent or attorney of said company, authorized for the purpose, and shall substantially set forth and state. *First*, It must be entitled so as to describe the Court wherein, or the Judge to whom the application is made, and the character of the application. *Second*, The name and official character of the person applying in behalf of the company, must be stated. *Third*, The real estate

How to apply.

which the company seeks to acquire, must be described by metes and bounds, and the estate therein which the company seeks to acquire, must be set forth; and several parcels of land, owned by different persons, may be included in one application. *Fourth*, That the company has not been able to acquire the estate in said lands required, and the reason of such inability. *Fifth*, The name of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth; and if not known, that fact must be stated. A copy of such application, and notice of the time and place the same will be presented, must be served on all persons named in such application, as owners or interested in said real estate, at least five days prior to the presentation of the same; *Provided*, such owners, so named, are residents, and can be found within the State, and are not infants, idiots, or persons of unsound mind.

SEC. 5. *Be it further enacted*, That on presentation of the application, to the Court, or Judge therein named, and no person appearing to oppose said application, and whenever it shall satisfactorily appear, from said application, and proofs thereunto attached, that service of notice of the time and place of the presentation of said application, upon all the owners and persons interested in said land, has been made, the said Court, or the Judge thereof, shall forthwith make an order appointing three disinterested and competent persons, who reside in the county where the premises are situate, or an adjoining county thereto, as Commissioners, to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate proposed to be taken by said company for its purposes, and shall fix the time and place of the first meeting of said Commissioners. In case any person who shall be the owner, or who shall have a vested interest in said premises, shall appear at the time and place of the presentation of such application, the said Court, or Judge, before making said appointment of Commissioners, may hear such person, and said company, in relation to any persons proposed for appointment as such Commissioners, their place of residence, their competency and interest; and after such hearing, the said Court shall make an appointment of three Commissioners, as aforesaid, in accordance with the discretion and judgement of said Court, or Judge. In case it shall appear by said application, that any person, or any of the persons, own- ing or interested in the said premises described in the

Court to ap-
point Com-
missioners.

Non-residents
Infants, &c.

application, or any part of the same, are not known to the said company, or are not residents of the county or State wherein said real estate is situated, or cannot be found therein, after due diligence, or are infants, idiots, or persons of unsound minds, then, and in such case, the said Court, or Judge, before making said appointment of Commissioners, shall make such inquiries, as to such owners and parties interested in said premises, and shall make such orders for service of notice upon them, or upon any persons in regard to said application, and such other order, or orders, in the premises, as the said Court or Judge may deem necessary, proper and just, and shall then make such appointment of Commissioners as aforesaid; and in connection therewith, make such orders as to the service of any future notice upon the owners of said premises, of the meeting and appointment of said Commissioners, and the confirmation of the same, as may seem to said Court or Judge equitable and just.

Commissioner's first meeting.

SEC. 6. *Be it further enacted*, That the Commissioners so appointed, or a majority of them, shall hold their first meeting at a time and place appointed by the Court or Judge, and may adjourn, from time to time, at their discretion. They shall take and subscribe an oath, before any officer authorized to administer oaths in the State of Tennessee, to the effect that they, and each of them, will, impartially, and to the best of their judgment and ability, perform the duties of said Commissioners. Any one of said Commissioners, may issue *subpoenas*, and administer oaths to witnesses, whenever they meet to take testimony or hear the parties, except by the appointment of the said Court or Judge, or pursuant to adjournment; they shall cause reasonable notice of such meeting to be given to any of the parties in interest who shall have heretofore appeared before them, or to their agent or attorney. They shall have the proofs and allegations of the parties, and reduce the same to writing, and after all the testimony offered in the case, that, in the judgment of said Commissioners, is pertinent to the value of said premises, is taken, they, or a majority of them, shall, without unnecessary delay, ascertain and determine the compensation which ought justly and equitably to be made by the said company, to the owners or persons interested in said real estate appraised by them; and said Commissioners shall take into consideration the advantage that the said owners, or persons interested in said real estate, may derive from the construction of said proposed railroad, for which

Powers, duties, &c.

said real estate is proposed to be taken. They shall make a report, in writing, to the Court, or Judge, by ^{Report.} whom they were appointed, which shall contain the proceedings in the case before them, with the minutes of the testimony taken by them, if any, and their award and determination. They shall be compensated for service as such Commissioners by the said company, at the rate of three dollars per day for actual service.

SEC. 7. *Be it further enacted,* That on such report being made by said Commissioners, the Court, or Judge, shall appoint a time and place for the hearing ^{Court to give parties a hearing.} of said company, and of all parties interested in said lands, in regard to the confirmation of said report; and shall, by order, direct the manner and form of the service of any notice of the same upon any person that, in the judgment of said Court, or Judge, shall be notified; and on the day of such hearing, if no person shall appear to oppose the confirmation of said report, the same shall be confirmed by the said Court, or Judge, and an order shall be made, reciting the proceedings of the appraised, the confirmation of the same, and the ^{Order of Court.} description of the real estate, and directing to whom the money or value of said real estate is to be paid, or in what manner the same shall be deposited by said company, for the use and benefit of said owners. And if any person shall appear to oppose the confirmation of said report, the Court, or Judge, shall hear the parties for and against such confirmation; and if said Court, or Judge, shall decide in favor of such confirmation, then the same proceedings shall be had in the premises as heretofore provided in case no person appeared to oppose said confirmation; and if said Court, or Judge, shall decide against such confirmation, an order shall be entered directing said Commissioners, or other Commissioners, named in said order, to proceed to a re-appraisal of the said premises, the proceedings of which shall be afterwards conducted as in the first instance, except that the appraisal and report of the Commissioners on the re-appraisal ordered, shall be final, and shall be confirmed by said Court, or Judge; and the order of said Court, or Judge, confirming any appraisal, as aforesaid, shall be final and conclusive on all parties interested.

SEC. 8. *Be it further enacted,* That the order of said ^{Order to be filed with Clerk.} Court or Judge, confirming an appraisal of lands, as heretofore provided, or a certified copy of the same, shall be filed in the office of the Clerk of the Circuit Court of the county in which the said real estate ap-

Evidence of
title.

praised, shall be situated, and there shall remain a record; and such order, so entered and filed, shall vest in said company the lands described therein, and such a State as may be therein set forth, on the payment, or tender of payment or deposit, of the amount of the appraisal and damage by said company, as provides in said order; and said order, or a duly certified copy thereof, with proof of such payment and deposit as therein provided, will be considered as legal evidence of the title and estate of said company to the real estate described therein. All real estate acquired by appraisal by said company, under and pursuant to this Act, shall be deemed to be acquired for public use.

Taxes

SEC. 9. *Be it further enacted*, That the said company shall be subject to such taxes as other railroads in the State of Tennessee.

May unite
with other
roads

SEC. 10. *Be it further enacted*, That the said company is hereby authorized to cross, intersect, join, and unite its railroad with any other railroads heretofore or hereafter constructed in the State of Tennessee, at any point upon its route, and upon the ground of such other railroad company, with the necessary turnouts, sidings, switches, and other conveniences, in furtherence of the objects of its connections. And every railroad company in the State of Tennessee, whose railroad shall be hereafter intersected by the railroads of this company, shall unite with it in forming such intersections and connections, and grant the facilities aforesaid; and if the said railroad companies cannot agree upon the points and manner of such crossings, intersections, and connections, and the division and appointment of the cost and expense of the same between said companies, the same shall be ascertained and determined by Commissioners appointed by the Court, as is provided in this Acts in respect to acquiring title to real estate.

Failure to
agree

May lease
other rail-
roads, char-
ters, etc.

SEC. 11. *Be it further enacted*, That said company is empowered and authorized to purchase or lease from any railroad company or corporation, its railroad and the charter, franchises, property, and appurtenances thereof, and maintain and use the same as a part of the property of the said company; and the said company is also authorized and empowered to enter into any mutual contract with any other railroad company or corporation, by which the capital stock and property of such other company or corporation, shall become merged and consolidated with this said company, and into one joint and common stock, and be and exist as one company, pursuing and enjoying all the

Joint com-
pany

powers, franchises, rights and privileges granted to or vested in each and all of the companies so consolidated and united, by this State or by other States, through which the railroad of said company, so consolidated and united, may pass, the provisions of any Statute heretofore passed by this State to the contrary notwithstanding.

SEC. 12. *Be it further enacted*, That this company is authorized and empowered, from time to time, to ^{May borrow money} borrow money or to purchase property upon its own credit, for the purpose of constructing and maintaining said railroads, or establishing continuous and connecting lines of railroad as heretofore; and in its act of incorporation provided, and as evidence of the indebtedness of said company for such loans or the purchase of such property, may issue its corporate bonds or promissory notes, bearing interest at a rate not exceeding eight per cent. per annum; and to secure the payment of said bonds and notes, may mortgage its railroads, its capital stock, its corporate franchises, and any of its real or personal property, or any part or portion of the same; and it may, by its President or other officers and agents, duly authorized by its Directors, sell, dispose of, or negotiate such bonds and notes, or ^{Issue bonds} may sell, dispose of, or negotiate its capital stock, (such ^{Sell bonds or stock, etc.} capital being declared to be personal property, and transferable as such,) or any of its personal property, at such times and places, and at such rates and for such prices, either within or without the limits of this State, as in the judgment of said company, or its Directors, will best advance its interests; and if such bonds, notes, or stock, are thus sold at a discount, such sale shall be in all respects, valid and binding upon this company; and such stock, bonds, or notes, shall be as valid for the par value thereof, as if the same had been sold at par value.

SEC. 13. *Be it further enacted*, That the said company can sue and be sued in all courts of this State, having jurisdiction of the same, and in such manner ^{Suits at law} and form only as corporations of this State can be sued; and service of process in any action against the said company, can be made by service of the same upon either the President, Secretary, Treasurer, or any of the Directors, agents, or superintendents of said company found in this State.

SEC. 14. *Be it further enacted*, That if any person or persons will or shall willfully do or cause to be done, ^{Injuries or obstructions a misdemeanor} any act or acts whatever, whereby any building, con-

struction, or work of said company, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person so offending shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the said company double the amount of damages sustained by reason of such offenses or injury, to be recovered in the name of said company, with cost of suit, by action of debt; and such offenders shall also be subject to indictment, and shall be sentenced, on conviction, at the discretion of the Court, for a period not exceeding eighteen months.

SEC. 15. *Be it further enacted*, That this act shall be favorably and liberally construed, so as to favor all the purposes and objects of the same, and the operations of the provisions thereof.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSEPH B. FRIERSON,

Speaker of the Senate.

Passed March 9, 1867.

CHAPTER LXX.

AN ACT to Revive the Charter of the Franklin and Liberty Turnpike Company; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That An Act passed February 1st, 1860, to incorporate the Franklin and Liberty Turnpike Company, be, and the same is hereby, revived, with all the rights, privileges and restrictions, contained in the original Act to charter the same.

SEC. 2. *Be it further enacted*, That Gideon M. Hagen and Frank A. M. Scott, of the County of Knox, be appointed additional corporators or commissioners, in the Western and Montgomery Turnpike Company, with all the rights, powers and privileges of those heretofore appointed.

SEC. 3. *Be it further enacted*, That Wm. Brown, Henry Walker, Newton McChore, Joseph G. Edmondson, Milton McClure, George T. Allman, J. W. Nance,

Commissioners for Western & Montgomery Turnpike Co.

Lynnville Sta. & Spring Place Turnpike Co.

Z. Baird, W.J. Henderson, Calaway Davis, John Moore, Peter Scales, Pinkney Cooper, Joseph McBride, Moses Park and Dr. Thomas J. Kennedy, or any five of them, and such other persons as they may associate with them, are hereby constituted a body politic, to be known and styled as the "Lynnville Station and Spring Place Turnpike Company," with full powers, under such corporate name, to sue and be sued, to plead and be impleaded, and shall have succession for a period of fifty years, and to have a common seal.

SEC. 4. *Be it further enacted*, That the persons aforesaid, or such persons as they may designate, are authorized to open books and receive stock, which may be subscribed either in money or labor; twenty-five dollars to be considered one share. To open books

SEC. 5. *Be it further enacted*, That said road shall begin at Lynnville Station, on the Nashville and Decatur Railroad, Giles County, and run the nearest and most practicable route to Cornersville; and from thence to Spring Place, Marshall County. Route of Road

SEC. 6. *Be it further enacted*, That said company shall have all the privileges, and be subject to all the laws of the Lewisburg and Cornersville Turnpike Company; and they shall have twelve months from the passage of this Act, to commence the work. Powers

SEC. 7. *Be it further enacted*, That James E. Merriam, James A. Swain, James McWilliams, Clifford S. Sears, Chas. A. Smith, Wm. J. Smith, J. J. Sears, William Hunter, George W. Waldron, and their associates, successors and assigns, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Memphis Turkish and Medicated Bath Company," and by that name shall have succession for fifty years; and shall be competent to sue and be sued in any court of law; to have and use a common seal, and alter the same at pleasure; to establish and change any by-laws for the government of said company; to have and to hold personal and real estate; to erect Turkish, Medicated and Electrical bathing establishments; and to have all those powers for the successful prosecution of their business. Memphis Turkish & Medicated Bath Co.
Powers, etc.

SEC. 8. *Be it further enacted*, That said corporators may organize said company within a year from the passage of this Act, at any meeting called for the purpose, at which a majority of the incorporators herein named shall have been present, and may then and there elect permanent officers of said company, who shall serve for the period of two years from the day of the election, Organization

and until their successors are elected and qualified; that the officers of said company shall consist of seven Directors, one of whom shall be elected as President, one Vice President, one Secretary and one Treasurer, all of whom shall hold their office for two years from day of election, unless sooner removed by the board.

Biennial
meetings.

SEC. 9. *Be it further enacted*, That the biennial meetings of the company shall be held at their office in the City of Memphis, and that they shall have power to operate in their legitimate business, herein set forth, within the limits of Shelby County, State of Tennessee.

Capital stock

SEC. 10. *Be it further enacted*, That the capital stock of said company shall be fifty thousand dollars, and that a majority of the Directors shall have power to increase the same to one hundred and fifty thousand dollars.

Same.

SEC. 11. *Be it further enacted*, That the capital stock of said company shall be divided into five hundred shares at one hundred dollars each.

Compensation.

SEC. 12. *Be it further enacted*, That the compensation of the officers and employes shall be fixed by the Directors.

Strawberry
Plains Pres-
byterian
Church.

SEC. 13. *Be it further enacted*, That John M. Meek, A. Rufus Meek, Robert P. Martin, J. P. Mathes, John Vance, Jr., and their successors, be, and they are hereby, constituted a body corporate and politic by the name of the "Strawberry Plains Presbyterian Church," and by that name may sue and be sued, plead and be impleaded, and have and use a corporate seal.

Government.

SEC. 14. *Be it further enacted*, That the said corporation shall be governed by a Board of five Trustees, of the persons above named; and any vacancy which may occur in said Board, whether by death, resignation or otherwise, shall be filled by the said Strawberry Plains Presbyterian Church, according to its own usages; that the said Board shall have power to appoint its own officers; make its own by-laws, and to acquire, hold and possess, by gift, grant, devise or purchase, all such estates, real, personal or mixed, as may be needful or convenient for said church; and to sell or otherwise dispose of the same, or any part thereof, not inconsistent with the uses and trusts specified by the respective donors of any of said estates or funds.

Powers.

Spout Spring
Academy.

SEC. 15. *Be it further enacted*, That Samuel Croft, A. M. Shipe, Gaines McMillan, J. M. Carter, J. C. Strong, and their successors, be, and are hereby, constituted a body politic and corporate, by the name of the "Spout Spring Academy;" and by that name may sue

and be sued, plead and be impleaded, and have and use a common seal.

SEC. 16. *Be it further enacted*, That the Board of Trustees of said corporation shall consist of the five persons above named; shall have power to fill its own vacancies, whether by death, resignation, or otherwise; to acquire, hold and possess, by gift, grant, devise or purchase, all such estates, real, personal or mixed, as may be needful or convenient to said Academy; and to appropriate or sell, all, or any part thereof, not inconsistent with the uses and trusts specified by the respective donors of any of said estates or funds.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXI.

AN ACT to Charter the Washington Fire and Marine Insurance Company, of Memphis, Tennessee, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Duncan Maclean, Geo. W. L. Crook, William M. Connelly, William M. Benton and Alexander T. Norton, and their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of the "Washington Fire and Marine Insurance Company, of Memphis, Tennessee," with all the rights and privileges of the "De Soto Insurance and Trust Company, of Memphis, Tennessee," passed March 20, 1858, chapter 166, page 393; and An Act amending the same, passed March 30, 1860, page 570.

SEC. 2. *Be it further enacted*, That the word "Central," be, and the same is hereby, stricken out of the 9th section of An Act to charter the Cincinnati South-Western & Chattanooga Railroad Company, passed May 24, 1866.

SEC. 3. *Be it further enacted*, That An Act to en-

Chat. & Cin. Railroad Co. courage Railroads, &c., passed May 25, 1866, be so amended as to read, "Chattanooga & Cincinnati Railroad Company," instead of Chattanooga and Kentucky Railroad Company.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXII.

AN ACT for the benefit of Negley & Kaughman.

WHEREAS, The County Court of Henry County, by mistake, collected the sum of forty dollars, State tax, from Negley & Kaughman, a firm so styled and trading in the town of Paris; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Comptroller of the State, be, and he is hereby, instructed, to issue his warrant to the firm of Negley & Kaughman, of Paris, Tennessee, for the sum of forty dollars.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXIII.

AN ACT to Incorporate the Nolachucky Lodge No. 323, of Free and Accepted Masons, in the County of Greene; and for other purposes.

SECTION. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nolachucky Lodge, No. 323, of Free and Accepted Masons, in Rhea Town, in the County of Greene, be, and the same is hereby, constituted a body politic and corporate, and by the name and style of "Nolachucky Lodge, No. 323, of Free and Accepted Masons," shall have succession for ninety-nine years; shall have a common seal; and by the name aforesaid, said corporation shall be capable, in law, to purchase, receive, hold to themselves and their successors and assigns forever, or for a less estate, any lands, tenements, goods, chattels or money, which may be given, granted or devised to them, or by them purchased; and to use, sell and dispose of the same in such manner as said Lodge may determine right and proper; and said corporation shall, by their corporate name aforesaid, sue and be sued, plead and be impleaded, in any Court of law or equity in this State, or elsewhere. Rights and Powers.

SEC. 2. *Be it further enacted*, That the officers of this corporation shall be the Master of the Lodge, the Senior and Junior Wardens; and the service of all process issued against said corporation, upon either of said officers, shall be good and sufficient to bring said corporation before any Court of law or equity in this State; and all deeds, conveyances, rights and acquittances, bonds, obligations, or other papers executed by said corporation, shall be signed by the Master of the Lodge, and attested by the Secretary, under the corporate seal, where a seal is necessary. Officers, etc.

SEC. 3. *Be it further enacted*, That the "Mountain Star Lodge, No. 197, of Free and Accepted Masons," at Sevierville, in Sevier County, be, and the same is hereby, incorporated, with all the rights, powers and privileges conferred by Sections 1 and 2 of this Act, on the Nolachucky Lodge, No. 323. Mountain Star Lodge, No. 197.

SEC. 4. *Be it further enacted*, That the "Snodderly Lodge, No. 321, of Free and Accepted Masons," located at Gravestown, Knox County, Tennessee, shall be entitled to the benefits of the foregoing Act. Snodderly Lodge, No. 321

SEC. 5. *Be it further enacted*, That Turley's Lodge, No. 276, of Free and Accepted Masons," located at Maynardsville, shall be entitled to the benefits of the Nolachucky Lodge, No. 323. Turley Lodge, No. 276.

Trustees of
Bedford Uni-
versity.

SEC. 6. *Be it further enacted*, That the Rev. Henry Palethorp Hay, D. D., L. L. D., William Gosling, Robert F. Evans, M. D., Rev. James Moore, John K. Edmundson, Joseph H. Thompson, Hon. Edmund Cooper, James A. Warden, George N. Eakin, and Hon. James Mullins, and their successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of "The Trustees of Bedford University;" and by that name hereafter shall have succession for ninety-nine years, with full power and authority to sue and be sued, plead and be impleaded, answer and be answered unto, in any Court of law or equity in this State; and to have and use a corporate seal, which they may alter or change at pleasure.

Rights.

Powers, etc.

SEC. 7. *Be it further enacted*, That the said Trustees, their associates and successors, by the name and style aforesaid, shall have power to hold and acquire real and personal estate, by purchase, gift, devise or bequest; to sell or exchange the same; to create Professorships, and endow the same; to receive any sums of money which may be donated, bequeathed or granted to them, for the purpose of building, improving, endowing, or in any other manner supporting or advancing said Bedford University, any of the schools therewith connected, or any of the branches therein taught.

Vacancies, etc

SEC. 8. *Be it further enacted*, That the said Trustees may have the power and privilege of increasing their number to seventeen; and they shall have the power, at any meeting regularly called, to fill any vacancy that may occur; and also, to declare and make vacant the seat of any Trustee who shall absent himself for one year, or who shall refuse and fail, when legally notified to attend, for five successive meetings; and the said Trustees shall also have authority to meet, from time to time, upon their own adjournment, and so often as they shall be summoned by their President; *Provided, always*, that the President shall not summon a meeting unless petitioned, in writing, by one-third of the Trustees, who shall state the cause of the meeting, and the business to be performed.

Proviso.

Quorum.

SEC. 9. *Be it further enacted*, That any five of the Trustees, lawfully convened, shall constitute a quorum to transact all business, except for the election of a President of the University, and a Trustee or Trustees, for either of which, shall be present a majority of the whole number.

Course of
study.

SEC. 10. *Be it further enacted*, That the said Trustees, acting with the advice of the said President, shal

have power and authority to prescribe the course of study and discipline of the Institution; to organize any school for the study of specific branches, as follows: Theology, Law, Medicine, Philosophy, Chemistry, Arts, Physiology, Mines, Agriculture, or others, as may, from time to time, in the judgment of said President and Trustees, be deemed expedient.

SEC. 11. *Be it further enacted*, That the said Trustees shall have full power and authority to elect a President of said University, who shall be a communicant of the Protestant Episcopal Church, who shall be President of the Board of Trustees, and such Professors, Tutors or other officers, as they deem necessary; and the said President and Professors, shall constitute the Faculty of the University, to whom shall be committed the superintendence of the course of study and discipline of the Institution. Officers, Faculty, etc.

SEC. 12. *Be it further enacted*, That the Faculty and Trustees shall have full power and authority to grant Literary hon-ors. all literary honors and degrees as are conferred by any College or University in the State or elsewhere, upon persons of suitable attainments; and in testimony of such grant, to confer proper diplomas under the seal of the University, and the signatures of the President and Faculty, and the Secretary of the Board of Trustees, which diplomas shall entitle their possessors, respectively, to all the privileges and immunities, which either by usage or statute, are allowed to possessors of similar degrees and diplomas, from other Institutions of learning.

SEC. 13. *Be it further enacted*, That the said Bedford University shall be established at or near the town of Shelbyville, in the County of Bedford; and that the property, real and personal, now held and owned, or which shall hereafter be held or owned, by said Trustees of said University, shall be forever exempt from State, county or corporation taxes. Location.

SEC. 14. *Be it further enacted*, That no misnomer or misdescription of said corporation, in any deed, will, gift, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; but that the same shall take effect in like manner, as if the said corporation were rightly named; *Provided*, it be sufficiently described to ascertain the intention of the parties. Misnomer.

SEC. 15. *Be it further enacted*, That this Act shall be deemed a Public Act, and as such shall be judi- Public Act.

ally noticed without being specially pleaded, in any and all the courts of law or equity in this State.

Cedar Grove
Academy.

SEC. 16. *Be it further enacted*, That Mike Shofner, T. D. Thompson, B. H. Caldwell, James M. Mullins, J. R. Shofner, L. Shofner, James J. Miller and J. Mullins, be, and they are hereby created, a body politic and corporate, known as the "Trustees of Cedar Grove Academy," in Bedford County, Civil District No. 3, with all the rights and privileges granted to the Bedford University, mentioned in this Act.

Nashville Ly-
ceum Assoc'n

SEC. 17. *Be it further enacted*, That Thomas A. Kercheval, H. H. Thomas, R. S. Tuthill, Aldace F. Walker, Henry Foote, Judson Newland, and their successors, associates and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Nashville Lyceum Association," for the purpose of mental improvement, the cultivation of the arts and sciences, and the diffusion of intelligence and morality in the community, and by that name and style shall have succession for thirty-three years; and shall be competent to sue and be sued, in any court of law or equity whatever; to have and use a common seal, and alter the same at will; to make, change and repeal all by-laws necessary for the government of said association, as also all other such powers as may be necessary and proper to carry into effect the designs and objects for which this association is formed, and for which this charter is granted; and that this Act shall take effect, and be in full force from and after its passage.

Powers

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXIV.

AN ACT Incorporating the Concord Male and Female High School,
in Rutherford County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. W. Faine, R. Carlton,

Ivey Burns, C. R. Farris, B. B. Taylor, William Jordan and F. Jackson, be, and the same are hereby incorporated a body politic, by the name of the "Trustees of Concord Male and Female High School," and by that name shall have succession for ninety-nine years; have a common seal; and the said Trustees and their successors, by the name aforesaid, shall be capable in law, to purchase, receive and hold to themselves and their successors, any lands, tenements, goods or chattles which may be given, granted or devised to them, or purchased by them, for the use and benefit of said school; and the said Trustees and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any of the courts of law or equity in this State. ^{Powers.}

SEC. 2. *Be it further enacted*, That the aforesaid Trustees, or their successors, shall have power to hold such meeting, at such time and place as they may think proper, to elect one member President, and a Secretary and Treasurer of said Board, and to fill vacancies when such may occur by death, resignation or otherwise, but not less than a majority of said Trustees shall constitute a Board to do business. ^{Meeting, etc.}

SEC. 3. *Be it further enacted*, That the said Board of Trustees shall have power to make such rules and regulations, relative to said school, and the government thereof, and their own proceedings, as a majority may deem right and proper; *Provided*, they be not inconsistent with the constitution of the State. ^{Rules.}

SEC. 4. *Be it further enacted*, That no spiritous or vinous liquors shall be sold as a beverage, in any quantity, within two miles of said school. ^{Liquors.}

SEC. 5. *Be it further enacted*, That any person violating section 4 of this Act, shall, upon conviction, forfeit and pay, for said violation, one hundred dollars, one-half of said fine to go to the use of said school, the other half to the use of common schools in this State. ^{Violation of sec. 4.}

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXV.

AN ACT to Incorporate a Bank of Discount and Deposit at Athens, Tennessee; and for other purposes

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That M. L. Phillips, M. A. Helm, G. W. Ross, David Claige, A. Blizard, Greenberry Cate, and G. O. Cate; be, and they are hereby, created a body politic and corporate, under the name and style of the "Athens Bank of Discount and Deposit;" to have and enjoy all the rights, privileges and immunities extended in an Act, entitled "An Act to establish a Bank of Discount and Deposit at Dandridge, Tennessee," passed December 13, 1865, and to be governed by the same.

Powers.

Act of May
24, 1866,
amended.

SEC. 2. *Be it further enacted*, That Section 30 of An Act passed May 24, 1866, entitled "An Act to incorporate the Bluff City Savings Institute, and for other purposes," be, and the same is hereby, so amended, as to confer upon the Nashville Savings Bank the power to discount notes, buy and sell stocks, deal in exchange, gold and silver bullion; purchase and hold a lot of ground, for the use of the Institution, as a place of business, and at pleasure sell or exchange the same; and may hold such real or personal property and estate, as may be conveyed to it to secure debts due the Institution, and may sell and convey the same.

Bank of Dis-
count at Shel-
byville.

SEC. 3. *Be it further enacted*, That W. B. Wallace, T. C. Whiteside, M. B. Morman, and their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "Bank of Discount and Deposit, of Shelbyville;" with all the powers and privileges, and subject to the same restrictions as the Bank of Discount and Deposit at Cleveland, Tennessee, passed by this present session.

Mechanics'
Savings Bank

SEC. 4. *Be it further enacted*, That A. M. Fonte, M. J. Wright, A. T. Shaw, and F. M. White, their successors and assigns, are hereby created a body politic and corporate, for the term of thirty-three years, under the name and style of the "Mechanics' Savings Bank," to be located in the City of Memphis; and shall have and enjoy all the rights, privileges and immunities heretofore granted to the Gayoso Savings Institution, incorporated February 29, 1856; and with the further privilege of buying and selling stocks, notes, bills, and

Privileges.

other securities, on commission; and subject to such taxes as the State may impose on similar Institutions.

SEC. 5. *Be it further enacted*, That Robert Lusk, T. B. Sample, W. Calendar, John Williams, W. T. Sample, and their associates and successors, be entitled to all the privileges and powers of this Act; and they be authorized to establish the "Rock City Savings Bank," at Nashville, Tennessee; *Provided*, said Banks, each and all, shall pay the same taxes now required by law to be paid by Brokers.

Rock City
Savings Bank

SEC. 6. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXVI.

AN ACT to Incorporate the Beth Davise, (House of David,) Congregation, of the City of Memphis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That J. M. Gaus, G. Sloughfield, F. Felderman, J. Frankel, C. Tromberg, D. Cohn, J. Paraise, S. Alexander, J. Bonnet, M. Banes, J. Cohen, S. Franklin, N. Fentler, M. Holland, M. Hyman, M. Solomans, S. Shipman and H. Weber, and their successors in office, be, and they are hereby constituted, a body politic and corporate, by the name and style of the "Beth Davise, (House of David,) Congregation, of the City of Memphis," with power to sue and be sued, to plead and be impleaded, answer and be answered, in all kinds of actions and suits, and to do Powers all other acts and things which bodies corporate may lawfully do; to receive by gift, donation, or by purchase, to hold, sell, exchange, or otherwise dispose of personal, real and mixed property, as, in the opinion of the said Trustees, may best subserve the interests of the said Congregation, including any property hereto-

fore conveyed or intended for the benefit of the said Congregation.

By-Laws, etc. SEC. 2. *Be it further enacted*, That the said Congregation, shall have full power to make all by-laws, rules and regulations, and adopt such constitution as they may deem proper and necessary for their government; to chose their own officers, and remove them at pleasure, in such manner as they may prescribe; to prescribe the manner in which their successors may be chosen; to fill vacancies; and do all other things and acts, necessary to the objects of this corporation, consistently with the laws and the Constitution of the State of Tennessee; a majority of said Trustees to form a quorum for the transaction of business.

County line of Bradley and Meigs chang'd SEC. 3. *Be it further enacted*, That the county line between the counties of Bradley and Meigs, in this State, be, and the same is hereby, so changed, so as to include the farm now known as the farm belonging to W. Beard and S. Beard, formerly known as the Alexander Roger's farm, and lying in the Ninth District of Bradley County, and First District of Meigs County, in the County of Bradley. And that this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXVII.

AN ACT to Incorporate the Chattanooga Street Railroad Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. James, A. A. Pearson and E. M. Wright, and their successors and associates, be, and are hereby, created, a corporation and body politic, by the name and style of the "Chattanooga Street Railroad Company," and shall continue from the day and date of the passage of this Act; and may sue and be sued, plead and be impleaded; may have and use a common seal, and change and alter the

Powers.

same at pleasure; may buy, hold and sell, personal or real estate, and enjoy all the rights and privileges usual to such corporations, for the period of thirty-three years.

SEC. 2. *Be it further enacted*, That the capital stock shall be one hundred thousand dollars, divided into shares of one hundred dollars each; but said company shall have power to increase said capital stock, from time to time, by a majority vote of the Board of Directors, to five hundred thousand dollars; and said stock shall be transferable on the books of said company, under such rules as the Board of Directors may enact, not inconsistent with the laws of the United States or of this State. Capital Stock.

SEC. 3. *Be it further enacted*, That said company is hereby authorized to construct and run their railroad as follows: Commencing at the present post office, or at the foot of Market Street, in the City of Chattanooga, on the Tennessee River, or wherever they may deem most expedient, and run thence South, up Market Street, to its terminus on Chattanooga Creek, and with the privilege of having one or more branches connecting with the main stem at any point, and running in any direction not exceeding two miles from the corporate limits of Chattanooga, Tennessee. Route of Road

SEC. 4. *Be it further enacted*, That said company is hereby authorized and empowered to charge and collect from each passenger, a sum not to exceed ten cents. Fare.

SEC. 5. *Be it further enacted*, That the corporators named in section 1, or any of them, may open books for subscription to the capital stock, and whenever there is subscribed ten thousand dollars, said stockholders may proceed to elect a Board of five Directors from their number, and said Board of Directors shall elect from their own number, a President, and such other officers as the Board may, by their by-laws, designate. To open books

SEC. 6. *Be it further enacted*, That Thomas Boyers, John D. Allen, Wm. Wright, J. C. Rodemer, C. E. Boddie, Wm. S. Munday, Wm. Moore, C. E. Douglass, W. P. Enlow, O. H. P. Duval, S. Heermans, F. A. Barbour and Jno. L. Bugg, are hereby created a body politic and corporate, to be known as the "Home Works," who shall have all the powers, rights and privileges conferred by the Act of February 27, 1866, upon the "Novelty Works Company;" the capital stock of which shall be ten thousand dollars, in shares of fifty dollars each, which may be increased to one hundred thousand dollars. Home Works.

Kinka Turn-
pike.

SEC. 7. *Be it further enacted*, That An Act passed on the 8th day of October, 1819, to charter the Kinka Turnpike Company, be, and the same is hereby, amended, so as to intersect with a road chartered in the name of F. A. Hennegar and others, at the Bridgman Farm, on said road.

Time given.

SEC. 8. *Be it further enacted*, That four months further time is hereby given to complete said road.

F. A. Henne-
gar and othr's

SEC. 9. *Be it further enacted*, That An Act passed 23d day of November, 1865, incorporating a Turnpike Road, in the name of F. A. Hennegar and others, be so amended as to authorize the said company to charge the same toll, as is allowed by the charter of the Kinka Turnpike Road.

SEC. 10. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXVIII.

AN ACT to Incorporate Sale Creek Academy, in Hamilton County, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse Shipley, Nathan Shipley, Peter Bolton, Gideon T. Morgan, Henry Hickman, and A. A. Pearson, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of the "Trustees of Sale Creek Academy," with all the rights, powers and privileges, necessary to the establishment of a first class High School; and in their corporate name, may lease, purchase, sell, and otherwise dispose of, real estate, to any amount that may be necessary to sustain said Academy, and give interest and prosperity to the cause of education; may sue and be sued, plead and be impleaded, answer and be answered, in any of the Courts of law or equity in this State; and, generally, to do any and all things imposed upon them by the provisions of

Rights and
Powers.

this Act; and shall have succession for ninety-nine years.

SEC. 2. *Be it further enacted*, That said Trustees may elect such officers of their body as they think proper and most convenient to themselves; establish by-laws, rules and regulations for conducting their business, and a systematic government of said Sale Creek Academy, not inconsistent with the Constitution and laws of this State and the United States.

Officers, By-Laws, etc.

SEC. 3. *Be it further enacted*, That in the event a vacancy occurs, either from death, removal, or resignation, then said vacancy shall be supplied by a vote of a majority of said Trustees. A majority of said Trustees shall constitute a quorum to do business, and their acts shall be valid in law and equity, and binding, as though all were present.

Vacancies, Quorum.

SEC. 4. *Be it further enacted*, That John L. Tarnell, James A. Matthews, Samuel J. Blair, Thomas H. Roddy, Wesley Davis, and John Anderson, and their successors, are hereby created a body politic and corporate, under the name and style of the "Trustees of the Long Savannah Academy," in Hamilton County; with all the rights, powers and privileges herein provided for the Trustees of Sale Creek Academy.

Long Savannah Academy.

SEC. 5. *Be it further enacted*, That George W. Shelton, Warren Colton, James M. Bryson, E. P. Kelley, and William Pryor, be, and the same are hereby created a body politic and corporate, under the name and style of the "Trustees of the Sulphur Spring Male and Female Academy," in Marion County; with all the rights, powers and privileges, herein granted to the Trustees of Sale Creek Academy, in Hamilton County.

Sulphur Spr'g Male and Female Academy.

SEC. 6. *Be it further enacted*, That J. N. Witt, W. R. Davis, P. L. Matthews, A. Campbell, Owen Solomon, Nathaniel Witt, and W. A. Gamble, be, and they are hereby created, a body politic and corporate, by the name and style of the "Georgetown Male and Female Masonic Institute," it being in the County of Meigs, State of Tennessee; with the powers and privileges, and like restrictions, as are conferred upon Sale Creek Academy, in the foregoing sections of this Act.

Georgetown Male and Female Masonic Institute.

SEC. 7. *Be it further enacted*, That Isadore Levy, J. G. Watkins, J. Walston, Morris Hauf, Simon Wolf, Morris Freeburg, A. Bancroft, and L. Levy, and their successors and associates, are hereby made a body politic and corporate, under the name and style of the "Memphis Clerks' Benevolent and Library Association," of Memphis; and that they have a common seal; pur-

Memphis Clerks' Ben. and Library Association.

chase and hold real or personal estate, necessary for their business; sue and be sued, and do such other acts as are common or incident to such corporations.

By Laws.

SEC. 8. *Be it further enacted*, That the members of this corporation shall make such rules and by-laws, and appoint such officers, as they may choose, for the control and government of the Association; and make such terms, and name such fees, for the admission of members, as they think best.

Powers.

SEC. 9. *Be it further enacted*, That the Association shall have power to raise and hold funds, and inherit and receive bequests and donations, which shall be used for the benefit of the Association as they think best for the Association; and do all such acts for the benefit of themselves, not inconsistent with the laws and Constitution of the State of Tennessee, or the United States.

Act of May
22, 1866,
amended.

SEC. 10. *Be it further enacted*, That the first section of An Act passed the 22d day of May, 1866, entitled "An Act to charter the Savannah Female College, in the County of Hardin, Tennessee, and for other purposes," be, and is hereby, so amended, as to read, "Shall have succession for ninety-nine years," instead of "Shall have perpetual succession."

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXIX.

AN ACT to Incorporate the Southern Live Stock Insurance Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thompson McKinley and others, associates, successors and assigns, be, and are hereby, constituted a body politic and corporate, by the name of the "Southern Live Stock Insurance Com-

pany," for a term of ninety-nine years, for the purpose Purposes. of insuring horses and other live stock, against theft, disease, and accidental death, as herein specified.

SEC. 2. *Be it further enacted*, That by that name Powers. they may be sued, plead and be impleaded; appear, prosecute and defend, in any court of law or equity; may have a corporate seal, and the same altar or renew at pleasure; and may enjoy all the rights and privileges incident to corporations; and may purchase, hold, mortgage, transfer and convey any real and personal estate.

SEC. 3. *Be it further enacted*, That the capital stock Capital Stock. of said company, shall not be less than fifty thousand dollars, nor more than one million dollars, to be divided into shares of one hundred dollars each. One-tenth part of the stock shall be paid in, before said company shall organize. When said one-tenth part of the stock is paid in, the company may organize, by the election Organisation. of a President, Vice President and Secretary, who shall hold their offices for twelve months, and until their successors are elected.

SEC. 4. *Be it further enacted*, That the principal office of said company, shall, for the time being, be located at Knoxville, Tennessee; but said company may change the same, to any other place in the State, when deemed advisable. The company may appoint an agent, or agents, in each county of the State, and also, any subordinate officers that may be deemed necessary. Principal Office.

SEC. 5. *Be it further enacted*, That said company Officers in other States, etc. may extend their operations into other States, and appoint subordinate officers and agents therein; *Provided*, their acts do not conflict with the Constitution and laws of such States. The company shall have power to make all by-laws, and rules for the regulation of the company, that may be deemed necessary; *Provided*, the same do not conflict with the Constitution and laws of the United States, or the State of Tennessee.

SEC. 6. *Be it further enacted*, That the party mentioned in the first section, are constituted a Board of Directors. Directors. of Directors, with power to manage and direct the business of the corporation, for the term of twelve months, unless they choose sooner to call a meeting of the stockholders and elect a new board; and a board of three Directors shall be annually elected by the stockholders; and these Directors shall elect the officers herein provided for. Said officers may be elected from the Board Elections. of Directors, or stockholders. In the event the officers are elected from the board, they shall continue to act

as Directors, and also discharge the duties of the respective offices to which they are elected.

Brand.

SEC. 7. *Be it further enacted*, That said company is hereby authorized, by and through the proper agents and officers, to brand all animals insured by them, which brand shall consist of the letters "S. I. Co.," and when appearing on any animal, shall be *prima facie* evidence that such animal has been insured by said company.

Misdemeanor.

SEC. 8. *Be it further enacted*, That it shall not be lawful for any person, or persons, other than the regular officers, or proper agents of said company, to brand any animal with the brand so described in section seven. For every willful violation of this provision, the offender shall be deemed guilty of a misdemeanor, and subject to be tried and punished, as in other cases of misdemeanor.

Salaries.

SEC. 9. *Be it further enacted*, That the Board of Directors, shall fix the salaries and define the duties of the officers, agents and employes of said company; and also have the general superintendence and control of the business of said company.

Payment of
Stock.

SEC. 10. *Be it further enacted*, That the stock of said company shall be paid in as required by the Directors, upon calls to be fixed by them; but they may require such portion as may not be paid in, to be secured by good and legal stock notes, and shall issue therefor certificates of stock.

olicies.

SEC. 11. *Be it further enacted*, That said company shall have power to issue policies of insurance, insuring against the loss, by a thief, or thieves, or death, of horses, cattle, mules, asses, and live stock generally; which policy shall be upon the stock plan, and upon such terms and conditions as may be prescribed by the company; and to do all necessary acts and things required by law to make such policies legal, equitable and binding. All policies issued by said company, shall be signed by the President and Secretary, or in the absence of the President, the Vice President and Secretary, under the corporate seal.

Same.

SEC. 12. *Be it further enacted*, That when the terms and conditions of insurance are fixed by said company, they shall be expressed in the policy; and the company and the insurer shall be bound thereby; and their respective liabilities, shall be governed by the terms and conditions therein expressed.

Prohibition.

SEC. 13. *Be it further enacted*, That nothing in this Act shall be so construed as to extend the powers here

in granted to said company, to issue policies of insurance upon species of property except live stock.

SEC. 14. *Be it further enacted*, That said company ^{Taxes.} shall be exempt from the payment of the tax now imposed upon Insurance Companies, by the existing laws of this State; but the property of said company shall be taxed as other property, under the laws of this State.

SEC. 15. *Be it further enacted*, That J. J. Haley, Z. Yancey, John Chester, and their associates, be, and they are hereby constituted, a body politic and corporate, under the name and style of the "West Tennessee Live Stock Insurance Company," to be located at Jackson, Tennessee; with succession for thirty years, with all the powers and privileges, and subject to the same restrictions, as the Southern Live Stock Company, to be located at Knoxville. ^{West Tennessee Live Stock Ins. Company}

SEC. 16. *Be it further enacted*, That Thomas Fisher, P. G. Meath, G. C. Worset, W. M. Connelly, and their ^{South-West'n Immigration Company.} associates, successors, or assigns, are hereby created a body corporate and politic, under the name and style of the "South-Western Immigration Company," with the same rights, powers and liabilities, as the Tennessee Colonial and Immigration Company, incorporated May 24, 1866.

SEC. 17. *Be it further enacted*, That J. E. Merriman, M. A. Smith, Robert Wilcox, W. C. Byrd, J. J. Sears, P. G. Marsh, William Hunter, and their associates, ^{West Tenn. Manufact'g Company.} successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name and style of the "West Tennessee Manufacturing Company;" and by that name and style shall have succession, with power to contract and be contracted with, to sue ^{Powers.} and be sued, and to have and use a common seal; to purchase, lease or hold, by gift, real estate; and to erect thereon buildings, mills, engines, machinery and fixtures, suitable for the manufacture of cotton, wool, wooden ware, or furniture, or other articles, from native productions of the State.

SEC. 18. *Be it further enacted*, That said corpora- ^{Organization.} tion may organize said company, by the appointment of five Directors, one of whom shall be President of the Company, and such other officers and managers as they may deem necessary, at such times and places as they may designate, by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may

deem necessary, for the government and prosecution of the business of said corporation.

Capital Stock. SEC. 19. *Be it further enacted,* That the capital stock of said company shall be fifty thousand dollars, and that said company shall have power to increase the same to two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, transferable on the books of the company.

SEC. 20. *Be it further enacted,* That this charter shall continue in force for ninety-nine years, from and after its passage.

**Carolina Ins.
Company.**

SEC. 21. *Be it further enacted,* That Section 51,—and wherever else it may demand the stockholders to meet in Nashville, to elect Directors for the Carolina Insurance Company, of Memphis, in “An Act to incorporate the Middle Tennessee Insurance Company, at Lebanon, and for other purposes,” passed March 24, 1860,—be amended, by making it lawful for said company to meet and elect their officers in the City of Memphis, Tennessee.

**West Tenn.
Ins. Company**

SEC. 22. *Be it further enacted,* That William Hunter, W. J. Smith, J. E. Merriman, William C. Byrd, Robert Wilcox, and Charles Merriman, and their successors, are hereby created and appointed additional corporators, under the Act entitled “An Act to incorporate the West Tennessee Insurance Company,” at Brownsville, in this State, with authority to establish a branch of the said West Tennessee Insurance Company at Memphis, and are hereby created a body corporate for that purpose.

**Maury Co'ty
Manufact'ng
Company.**

SEC. 23. *Be it further enacted,* That Thomas W. Reese, John D. Moore, J. S. Harris, John W. Mayes, Ed. Kuhn, William J. Andrews, and their associates, successors and assigns, be, and are hereby constituted, a body politic and corporate, with succession for thirty-three years, under the name and style of the “Maury County Manufacturing Company,” with such powers and privileges, and subject to such liabilities and duties, as are conferred by law upon similar corporations.

**Tenn. Orphan
Asylum.**

SEC. 24. *Be it further enacted,* That Marian Henry, P. P. Haskins, A. G. Mumford, E. Galbreath, V. C. Finley, L. L. Thompkins, their associates, successors and assigns, be, and are hereby constituted a body corporate and politic, under the name and style of the “Tennessee Orphan Asylum,” with such powers and privileges, and subject to such liabilities and duties, as are conferred and imposed by the general laws of this State upon similar institutions; and that E. B. Has-

kins, W. A. Quarles, J. E. Baily, D. N. Kennedy, John F. House, J. E. Rice, G. W. Hillman, and J. G. Hornberger, are hereby made a Board of Trustees for said Institution, with power to enlarge their number, at pleasure of a majority, and to fill vacancies. Trustees.

SEC. 25. *Be it further enacted*, That this Act shall take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

CHAPTER LXXX.

AN ACT to Incorporate the Chattanooga Bridge Company, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a body politic and corporate, is hereby constituted, by the name and style of the "Chattanooga Bridge Company," for the purpose of using and maintaining the bridge across the Tennessee River, from the foot of Market Street, to the opposite bank of the river; also, constructing a new bridge when the company deems necessary; and by that name may sue and be sued, plead and be impleaded, and do all other acts and things, which may be necessary to construct, maintain, manage, use and keep up the same; and said company shall have succession for twenty years. Powers.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be two hundred thousand dollars, and may be increased to three hundred thousand dollars, if necessary; the same to be made up of shares of fifty dollars each, and so soon as twenty thousand dollars of said stock are subscribed for, the stockholders may organize by the election, from among themselves, of Directors, who shall select from their number, a President of the Company; and said President of the Company and Directors, may appoint such other

officers and agents as may be deemed necessary, and in such manner as they may deem best.

Sec. 3. *Be it further enacted,* That James E. Slayter, _____ and _____ associates, all of the County of Hamilton aforesaid, be, and are hereby constituted a Board of Commissioners, any two of whom may open books, at such times and places as they may choose, to receive subscription for said capital stock, and may manage all the affairs of said company, until organized as aforesaid, and do and perform all such other acts as may be necessary to be done, prior to the election of President and Directors; and at all meetings of the stockholders, when a vote is to be taken, each stockholder shall have a vote for each share of stock subscribed for, and owned by him, and may vote by proxy or in person, under the rules of the company.

Sec. 4. *Be it further enacted,* That said company, when organized as aforesaid, may buy, or receive by gift or otherwise, any grounds or lands necessary for the construction of, and easy of access to, said bridge, on either side of said river, and may proceed to construct said bridge, and also such roads and approaches to it, as may be deemed requisite and necessary; *Provided,* that said bridge shall not be so constructed as to obstruct the navigation of said river.

Sec. 4. *Be it further enacted,* That said company may make its own by-laws, not inconsistent with the Constitution and laws of this State, or of the United States.

Sec. 6. *Be it further enacted,* That the stock of said company shall be deemed personal property, and be transferable on the books of the company, in such manner as may be directed by the by-laws; and if any person, corporation, or body politic, subscribing for stock, fail to pay the same, in such calls as the President and Directors may order, the company may sue for and recover the same of such delinquent stockholder in any court having jurisdiction over the matter; or the company may declare the stock forfeited, and sell it, and if it fails to sell for enough to pay the balance due thereon, the company may sue and recover the deficiency as aforesaid; and it shall not be lawful for any stockholder to transfer his stock, until it is all paid in, unless by consent of the President and Directors.

Sec. 7. *Be it further enacted,* That the officers of said company shall hold their offices for one year, and until their successors are appointed, unless otherwise directed by the by-laws.

SEC. 8. *Be it further enacted,* That when said bridge Toll Gates shall have been completed and ready for travel, and transportation along and across the same, the said company may erect gate or gates across said bridge, and charge and receive toll for crossing the same, in the manner, and for the sums following, to-wit: For horse and rider, fifteen cents; for vehicle, other than pleasure carriage, drawn by two animals, fifteen cents; for vehicles, other than pleasure carriages, drawn by two animals, twenty-five cents; for vehicles drawn by three animals, thirty cents; for vehicles drawn by four animals, forty cents; for vehicles drawn by six animals, fifty cents; for pleasure carriage, drawn by one animal, fifty cents; for pleasure carriages, drawn by two animals, seventy-five cents; horses, mules or cattle, driven or led, five cents per head; hogs, calves, sheep or goats, three cents per head.

SEC. 9. *Be it further enacted,* That nothing in this County Court Act shall be so construed as to prevent the County Court or corporate authorities of Chattanooga, from building any bridge they may believe for the public good, or purchasing the bridge herein provided for.

SEC. 10. *Be it further enacted,* That the charter of Citizens' Str't the "Citizens' Street Railroad Company," passed May Railroad. 23, 1866, be, and the same is hereby extended to, and within the limits of the City of Memphis, with the privilege of conveying freights and charging for the same.

SEC. 11. *Be it further enacted,* That in addition to the powers heretofore conferred in the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth sections of the Act, entitled, "An Act to incorporate the Memphis Dry Dock Company," passed December 15, 1866, to the corporators and company therein named; they shall have power to purchase, manufacture and dispose of all materials and implements, which may be necessary for the purpose of the company, or used in carrying on its legitimate business in Shelby County.

SEC. 12. *Be it further enacted,* That the privilege of running a Ferry-boat across Wolfe River, in the County of Shelby, at any point between the mouth of Wolfe River and the mouth of Luce Hatchie, be, and the same is hereby conferred upon David Groves, and his successors; *Provided,* the said Groves or his successors obtain and retain the consent of the owner or owners of the land on the banks of said river, where the Ferry may be established.

Ferriage. SEC. 13. *Be it further enacted,* That said Groves is allowed to charge the sum of ten cents a head for persons, and ten cents for beasts, and ten cents a wheel for vehicles, that may cross his ferry; and that the owner of said ferry shall be under all the legal responsibilities and liabilities that attach to other ferries in this State.

Centre State Mills. SEC. 14. *Be it further enacted,* That John W. Terrass, R. B. Cheatham, C. K. Winston, Ira P. Jones, R. E. Deery, Neill S. Brown, John H. Calender, C. N. Ordway, and R. Thompson, and such others as shall be associated with them, be, and are hereby, created and declared, a body politic and corporate, under the name and style of the "Centre State Mills;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any Court of law or equity in this State. Said incorporation may have and use a common seal, and alter the same at discretion; ordain and establish such by-laws, from time to time, as may be deemed necessary or expedient; and, generally, have, exercise and enjoy, all the rights, powers and privileges of corporations, as defined by the laws of the land, and as fully as can be granted by the Legislative authority of this State.

Powers.

Objects. SEC. 15. *Be it further enacted,* That the object of this corporation shall be the spinning, weaving, and manufacture of cotton and wool, either or both, in whole or in part, including the sale of the same; and to this end, it is authorized to acquire, by purchase, lease, devise, gift, or as stock subscriptions, either in fee simple or for a term of years, lands, lots, houses, or any other species of real, personal or mixed estate, which may be or become proper or necessary to carry on the business. It shall also be authorized to erect all buildings, machinery, warehouses, and other appurtenances that may be deemed appropriate or expedient to the interest or convenience of the business of the enterprise.

Property.

Capital stock. SEC. 16. *Be it further enacted,* That the capital stock of said company or incorporation, shall be twenty-five thousand shares, of one hundred dollars each, which may be subscribed either by individuals or corporations, or both; and may, in the discretion of the Commissioners herein named, or the Board of Directors, when duly organized, be in money, lands, town lots, the stock or shares of other corporations, or bonds, or in such proportion of each or all, as the Commissioners or Directors may determine. The said shares shall be transferable only on the books of the company, and then only with the consent of the Directors, unless the full amount of

such shares of stock has been fully paid. The company shall have power to declare forfeited to it any stock, upon which the installments call for, remain unpaid, in whole or in part; or it may, at its option, sue for and recover the unpaid amount before any tribunal having jurisdiction; first, however, having given thirty days' public notice of the call having been made. The said company shall have power to transact its business at one or more points, as may be deemed expedient by the Board of Directors. It shall have power to issue, in any amount voted by the stockholders, mortgage bonds upon its property, not exceeding in amount, the value of said property; and may increase its capital stock to any amount the stockholders may deem necessary or expedient; *Provided*, said increase shall not exceed in amount, the value of the assets, excluding original stock belonging to said company.

Forfeiture.

Powers.

SEC. 17. *Be it further enacted*, That the affairs and business of said company, shall be managed by nine Directors, who shall be elected annually, and hold their office until their successors have been chosen and enter upon their duties. The Directors may, or may not, as they may deem best for the interest of the company, choose their President from their own number. The Directors shall be elected by the stockholders; and each stockholder, whether an individual or corporation, shall be entitled to one vote for each share of stock to the number of fifty shares, and for every an additional fifty shares, only one vote; and said stockholders may vote either in person or by proxy. The Directors shall have power to appoint, at stated periods, to be designated in the by-laws, Superintendents, a Secretary and Treasurer, and such other officers, agents and servants, as they may think proper, and to determine their respective duties.

Management.

Voting.

Officers.

SEC. 18. *Be it further enacted*, That the by-laws of this company shall contain nothing that is inconsistent with the Constitution and laws of the State, or the United States. It shall be lawful for this company to lease, rent, or purchase, and hold for a term of years, or fee simple, coal beds, or other lands, to any extent they may deem proper, in this State or elsewhere, and pay for the same in stock or bonds of the company.

By-Laws.

SEC. 19. *Be it further enacted*, That the incorporators herein named, or a majority of them, shall constitute a Board of Commissioners to organize said company, and may proceed to establish such by-laws and

Commissioners.

regulations, not inconsistent with the provisions of this Act of incorporation, as they may deem expedient at any time previous to the subscription of five thousand shares of stock; but no step towards such organization, or regulations, shall be taken or had until two thousand shares of said stock has been subscribed, as herein provided. The said company may be organized at any time within two years from the passage of this Act.

McLemoresville Manuf'g Company.

SEC. 20. *Be it further enacted*, That Bennett F. Hillsman, W. W. Herron, Benjamin S. Eulor, Fredrick H. Henderson, John T. Fuguay, A. M. T. Woolen, James Adkinson, A. H. Smith, James M. Alexander, William R. Palmer, Robert H. Carter, John Simons and John H. Alexander, and their associates, successors and assigns, be, and they are hereby constituted, a body politic and corporate, by the name and style of the "McLemoresville Manufacturing Company," and by that name and style shall have succession, with power to contract and be contracted with, to sue and be sued, and to have and use a common seal; to purchase, lease, or hold, by gift or otherwise, real estate, and erect thereon buildings, mills, engines, machinery and fixtures, suitable for the manufacture of cotton, wool, wooden ware or furniture, or other articles from the native production of this State.

Directors.

SEC. 21. *Be it further enacted*, That said corporation, may organize said company by the appointment of five Directors, one of whom shall be President of the company. And the Directors shall appoint or elect such other officers and managers as they may deem necessary, at such times and places as they may designate, by giving previous notice. And when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary for the government and prosecution of the business of said corporation.

By-Laws.

SEC. 22. *Be it further enacted*, That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of fifty dollars each, transferable on the books of said company, upon such conditions as said company may prescribe by their by-laws. Said company shall have power to increase the capital stock of said company to one hundred and fifty thousand dollars.

Capital stock.

SEC. 23. *Be it further enacted*, That this charter shall continue in force for thirty years.

SEC. 24. *Be it further enacted*, That Joseph McCall,

Henry McCall, Isaac B. Hawkins, B. F. Harrison, John Bell, Adam Hall, Young W. Allen, — McGill, Alvin Hawkins, A. D. Bennett, and John Norman, and their associates, successors and assigns, be, and they are hereby constituted, a body corporate and politic, by the name and style of the "Huntingdon Manufacturing Company;" and by that name and style shall have succession for fifty years; shall have power to contract and be contracted with, sue and be sued; to make and use a common seal; to purchase and hold real estate, receive donations in land, or other property, or money; to erect buildings, put up engines, machinery, and other fixtures, for the purpose of manufacturing cotton, wool, furniture, iron, plows, and machinery of various kinds.

SEC. 25. *Be it further enacted,* That the capital stock of said company shall be twenty thousand dollars, divided into shares of fifty dollars each. Said company shall have power to increase the capital stock of said company to two hundred and fifty thousand dollars.

SEC. 26. *Be it further enacted,* That when the sum of ten thousand dollars of stock shall be subscribed, said stockholders may, after giving ten days' notice of the time and place of meeting, assemble and elect five of their number Directors of said company, who shall hold their office for twelve months, and until their successors are elected and qualified. Said Directors shall elect one of their number President. They shall also elect such other officers as they may deem necessary for the carrying on of the business of said company. Said company, when organized, shall have power to make such by-laws, rules and regulations, as they may deem necessary for the successful carrying on the business of said company, not inconsistent with the laws of this State.

SEC. 27. *Be it further enacted,* That said company shall have all the rights, benefits and privileges, to other corporations, and be subject to such general laws as may be passed, from time to time, for the government of corporations; *Provided,* that no State aid shall be granted said corporation.

SEC. 28. *Be it further enacted,* That Perry M. Shults, Pleasant W. Shults, Philip S. Shults, Wilson Duggan, P. L. Duggan, and Robert C. Duggan, and their associates, successors and assigns, be, and they are hereby constituted a body corporate, by the name and style of the "Sevier County Silver, Copper, Lead and Zinc Company;" and by that name shall have succession for ninety-nine years, and shall be competent to sue and be

- Powers, Privileges, etc.** sued in any Court of law and equity; to have and to use a common seal, to alter the same at pleasure; to establish, ordain and change, any by-laws that may be necessary for the government of the company, which by-laws shall not be inconsistent with the Constitution of the United States, and the Constitution and laws of the State of Tennessee; to purchase, hold and dispose of such real estate, leases, mines, minerals, silver, copper, lead and zinc, and personal property, as they may desire, or be necessary for the legitimate transaction of their business; to mine, dig, bore, forge, roll, smelt, transport, work, manufacture, refine, and vend the same; issue such number of shares of the stock of said company, at the respective par value thereof, as may be determined and agreed on by said company, and to have the right to pay of stock of the corporation for such mining interest; to construct roads from their mines to a navigable river or railroad, now constructed or to be constructed; and to make connections and turn-outs for their purposes, etc.; that the capital stock of said company be five hundred thousand dollars, to be divided into such shares as the company may determine, which may be increased or diminished, as the company may determine. The President and Directors, when elected, shall regulate the proportion of stock, which may be issued to each member, on application; the company to have, enjoy and exercise, all rights and privileges belonging and incident to corporations, except the right to issue notes, or engage in the business of Banking.
- Same.**
- Capital stock.**
- Reserved.** SEC. 29. *Be it further enacted*, That the right to alter, change, amend, or repeal this charter, is reserved to any subsequent Legislature.
- Knoxville Leather Co.** SEC. 30. *Be it further enacted*, That Jno. S. Van Gilder, F. A. R. Scott and W. B. Rogers, their associates and successors, be, and they are hereby, incorporated, a body politic and corporate, under the name and style of the "Knoxville Leather Company," and in that name may own and hold so much real and personal property as may be necessary for the use and purposes of the corporation.
- Capital Stock.** SEC. 31. *Be it further enacted*, That said company may have a capital stock, not to exceed one hundred thousand dollars, divided into shares of one hundred dollars; may have such number of Directors, officers, clerks, agents, &c., as they may desire, and elect them for such time as they may choose.
- Officers.** SEC. 32. *Be it further enacted*, That said company

shall have all necessary and proper powers incident to Powers.
the manufacture of leather goods, and leather, and such
other articles as they may desire to manufacture; and
full power to make such by-laws as they may find nec-
essary for their government.

SEC. 33. *Be it further enacted,* That this Act shall
take effect from and after its passage.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Passed March 11, 1867.

RESOLUTIONS.

NUMBER I.

HOUSE RESOLUTION Raising a Committee to inform the Governor of the Organization of the House.

Resolved, That the Speaker appoint a Committee of three to notify His Excellency, William G. Brownlow, that the House of Representatives is organized, and ready to receive any communication he may wish to make to this body.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 13, 1866.

NUMBER II.

HOUSE RESOLUTION Granting the use of the Hall of the House of Representatives to the Tennessee State Teachers' Association.

WHEREAS, An application has been made by the Tennessee State Teachers' Association, through Dr. J. R. Lindsley, Chairman of the Executive Committee of said Association, for the use of this Hall, on Thursday and Friday, November 15th and 16th insts.; and *whereas*, a Bill to establish a system of Common Schools, which has passed the other branch of the Legislature, is now pending before this House, upon which we, as legislators, must act; and *whereas*, this Convention of Education proposes, among other topics, to discuss this great educational question, so vital to all the interests of the State,

and its physical, social and moral welfare; and inasmuch as it is desirable that we should fully comprehend this subject in all its bearings and objects; Therefore,

Resolved, That the use of this Hall be granted to said Association, to hold its sessions, on the 15th and 16th insts., from 12 o'clock, M., each day.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 13, 1866.

NUMBER III.

The House of Representatives of the Tennessee Legislature have learned, with profound regret, of the death, on the 12th inst., of the Hon. WILLIAM B. LEWIS, late a member of this body; a citizen venerable in years, eminent in patriotism, zealous in labor for the public interests, distinguished by the faithful discharge of duty in responsible positions in the service of the country, both civil and military, and esteemed in all the relations of life; one whose conduct, as a legislator, was governed by convictions of duty, and whose demeanor to his fellow-members tended to soften the asperities of conflict, and inculcate a spirit of moderation; and it is, therefore,

Resolved, That in the death of Major LEWIS, the State has lost a citizen, who, in his life, illustrated the highest traits of human character, and has left an example worthy to be emulated by all who cherish a patriotism which knew no sectional lines, and an integrity in public stations above reproach.

Resolved, That the members of the House of Representatives tender their sympathy to his family, and to the immediate community of which he was so long an honored and venerated resident; and that they attend his funeral on to-morrow.

Resolved, That these Resolutions be entered on the Journal, and an engrossed copy be transmitted to his family.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 14, 1866.

NUMBER IV.

HOUSE RESOLUTION Instructive to the Committee of Ways and Means.

Resolved by the House of Representatives, of the State of Tennessee, That the Committee of Ways and Means be instructed to inquire into the expediency of appointing an Assessor of Taxes, and Valuer of Taxable Property, in each County, in lieu of the Commissioner of the Revenue for each Civil District; or into some modification of the Revenue Laws, whereby the expense of listing the taxable property may be reduced, and the value of land, and other property, better and more satisfactorily equalized.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 15, 1866.

NUMBER V.

HOUSE RESOLUTION Raising a Committee to consider the case of Judge T. N. Frazier.

Resolved, That the following named members of this House be appointed a Special Committee, to take into consideration the case of the Hon. Judge T. N. Frazier, for his interference with the organization of this House, at its Extraordinary Session, in the month of July last; and that said Committee report to this House such action as they may deem just and proper in the premises, to wit: Smith of Hardeman, Nunn, Norman, Thornburgh, Dougherty, Duggan, Elliott, Wines, Blackman, Waters of Wilson, and Mullins.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 15, 1866.

NUMBER VI.

HOUSE RESOLUTION Instructing the Principal Clerk to have one hundred copies of the Rules of the House printed.

Resolved, That the Principal Clerk of the House be instructed to procure one hundred copies of the Rules of the House; the expense of the same to be paid out of the Treasury, by the warrant of the Comptroller of the State Treasury.

WILLIAM HESKELL,

Speaker of the House of Representatives.

Adopted November 15, 1866.

NUMBER VII.

SENATE RESOLUTION.

Resolved, That the Treasurer of the State report to the Senate, the amount of interest collected up to the 15th of August, 1866, accruing on the 7-30 Bonds, held by him, on account of the School Fund, and the disposition thereof; and he also report the amount of money that has come into his hands, as Superinsendent of Public Instruction, from any other source whatever, and the manner and amount of expenditure.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 16, 1866.

NUMBER VIII.

SENATE RESOLUTION.

Resolved, That the Comptroller of the State report at the earliest moment, to the Senate, specifically, the receipts and disbursements of the Treasury of the State, for the fiscal year, ending on the 30th of September, 1866; and that he also further report, the defalcation, (if any,) of Collectors of the Revenue, including Clerks of the Court, and all others authorized to collect Revenue for the State, for the year ending the 30th of September, 1866.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 16, 1866.

NUMBER IX.

SENATE RESOLUTION.

Resolved, That the Comptroller of the Treasury be, and is hereby required, to issue his warrant to the Door-keeper of the Senate, for the sum of three hundred dollars, which, said officer of the Senate shall expend in purchasing postage stamps for the use of the officers and members of the Senate; the same to be included in the General Appropriation Bill at the close of the session.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 16, 1866.

NUMBER X.

SENATE RESOLUTION.

Be it resolved by the Senate, That the various Committees of this House report, without delay, the unfinished business before them respectively, at the adjournment, on the , 1866.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 16, 1866.

NUMBER XI.

SENATE RESOLUTION.

Resolved by the Senate, That the Clerk of this House cause to be printed, one hundred copies of the Rules regulating the proceedings of this House, for distribution among the members of this body.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Passed November 16, 1866.

NUMBER XII.

HOUSE RESOLUTION Referring certain Bills to the Committee on Ways and Means.

Resolved by the House of Representatives of the State of Tennessee, That all the Bills before the House, upon the subject of Officers' fees, be placed in the hands of the

Committee on Ways and Means; and that they be instructed to report a Bill in lieu of all others, at as early a day as practicable.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 16, 1866.

NUMBER XIII.

HOUSE RESOLUTION Directory to the Committee on Elections.

Resolved by the House of Representatives of the State of Tennessee, That the Committee on Elections be requested to take down, in writing, for the information of the House, the most essential points in the evidence in the case of Lellyett and Brien, and file the same with their Report.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 17, 1866.

NUMBER XIV.

HOUSE RESOLUTION Appropriating money to members for postage.

Resolved by the House of Representatives, That the Comptroller of the Treasury be, and he is hereby, required to issue his warrant for the sum of ten dollars, for each member and officer of this House, for the purpose of procuring postage stamps for the use of the members and officers of this House.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 17, 1866.

NUMBER XV.

HOUSE JOINT RESOLUTION Authorizing the Treasurer to pay members and officers of the two Houses, their *per diem*.

Resolved by the General Assembly of the State of Tennessee, That the Treasurer of the State pay each member of the Senate and House of Representatives, and officers thereof, the amount that may due them, when they apply for the same, and take a receipt for the same, without warrant of the Comptroller, which shall be good at the close of the Session, in settlement of their accounts; and that the Comptroller issue his warrant to the Treasurer, at the end of said Session, for the total amount of mileage and *per diem*.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 17, 1866.

NUMBER XVI.

HOUSE RESOLUTION for the Benefit of Gattinger, State Librarian.

Resolved by the House of Representatives of the State of Tennessee, That the Comptroller issue a warrant on the Treasurer, for the sum of twenty-five dollars, in favor of Dr. A. Gattinger, for his services in searching for, finding, and forwarding to the Register of the Land Office, at Knoxville, the Index Book belonging to that office; and that the Finance Committee embrace the same in the Appropriation Bill.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
Adopted November 19, 1866.

NUMBER XVII.

SENATE JOINT RESOLUTION.

Resolved by the Senate and House of Representatives,
That the Treasurer of the State, as the Superintendent of Common Schools, withdraw from the Bank of Tennessee, at Nashville, twenty-three Bonds of the State of Tennessee, deposited in said Bank for safe keeping, on account of the Common School Fund; the said Bonds, by him, to be held subject to the future action of the Legislature.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 19, 1866.

NUMBER XVIII.

SENATE JOINT RESOLUTION.

Be it resolved by the Senate and House of Representatives, That a Special Committee of three on the part of the Senate, and six on the part of the House, be appointed, to investigate into the affairs, contracts, condition, and all matters appertaining to the management and economies of the Penitentiary, with power to send for persons and papers, and to report to the Legislature at its present meeting.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 19, 1866.

NUMBER XIX.

JOINT RESOLUTION.

WHEREAS, The State of Tennessee has invested in the East Tennessee & Virginia, and the East Tennessee & Georgia Railroads, over four millions of dollars; and *whereas*, when the military authorities turned over these roads to their owners, the companies were compelled to purchase largely of the rolling stock and fixtures, thus incurring large debts; and *whereas*, the Government is pressing the collection of these heavy debts, notifying the companies of its purpose to take possession of the roads; and *whereas*, the Companies claim, that, after all just credits are given for the use of these roads by the Government, that but little, if anything, will be owing to the Government; therefore,

Be it resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby, authorized to appoint a Commissioner on the behalf of the State, to proceed at once to Washington, with books and accounts, to act, in connection with two other Commissioners appointed by President Branner and Calloway, and effect a final settlement.

Be it further resolved, That the Commissioner on the part of the State be allowed a fair compensation for his services, to be approved by the Governor; and that the Comptroller issue his warrant for the same, after said services have been rendered; *Provided*, that the Governor shall have power to appoint similar Commissioners for other roads, when, in his judgment, it is necessary; and *provided further*, that the expense incurred for the pay and expense of said Commissioners shall be paid by said roads.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 20, 1866.

NUMBER XX.

SENATE RESOLUTION.

Resolved, That D. J. M. Safford, late State Geologist, be requested to present to the Senate a statement of the condition of the work, including illustrations and maps, authorized to be printed, under his and the Librarian's supervision, by Joint Resolution of the Legislature, adopted February 7, 1860; and that he also be requested to state what further action, on the part of the Legislature, is necessary, in order to complete the work, illustrations and maps.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 22, 1866.

NUMBER XXI.

SENATE RESOLUTION.

Resolved, That the State Treasurer, as Superintendent of Public Instruction, report, specifically, the disbursements on account of Clerk's and Printer's fees, as reported by him generally, in his Report of November 21, 1866, to this body.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted November 23, 1866.

NUMBER XXII.

HOUSE JOINT RESOLUTION Raising a Joint Committee to consider certain Bills and Resolutions.

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee, consisting of nine

members, three from each division of the State, of the House, and three on the part of the Senate, be appointed for the purpose of taking into consideration all Bills and Resolutions in reference to the Franchise question.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 24, 1866.

NUMBER XXIII.

HOUSE JOINT RESOLUTION Directory to the Comptroller.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller be directed to issue his warrant upon the State Treasurer, to the following named persons, for the amount opposite their respective names, being for money paid said persons, as members of the Legislature, under a Joint Resolution of the Senate and House of Representatives, but who failed to receipt to the Treasurer for the same:

William Barton, Representative, four hundred and ninety-eight dollars and forty cents.

William Simmons, Representative, six hundred and twenty dollars and twenty-four cents.

J. H. Travis, Representative, three hundred and sixteen dollars.

B. E. Lassiter, Senator, three hundred and twenty-three dollars and twenty cents.

T. H. Newburn, Senator, one hundred and seventy-five dollars.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 26, 1866.

NUMBER XXIV.

SENATE JOINT RESOLUTION.

WHEREAS, The Rogersville and Jefferson Railroad Company are yet entitled to \$41,000, of the Bonds of the State, to aid in the construction of the bridge across the Holston River; and, *whereas*, said bridge is now under contract, and rapidly approaching completion; and, *whereas*, the necessities of the company are such as to require the aid of the State at once; Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Governor be, and is hereby, requested, to issue to said Company, the said forty-one thousand dollars in bonds, whenever called on by the President of said Company, or his authorized agent, taking a receipt in the usual way.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted November 26, 1866.

NUMBER XXV.

Resolved by the House of Representatives of the State of Tennessee, That the use of the Hall of the House of Representatives, be tendered to Hon. J. R. Hawkins, this day, at 11 o'clock, A. M., for the purpose of delivering an address upon the political issues of the day.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 28, 1866.

NUMBER XXVI.

WHEREAS, His Excellency, W. G. Brownlow, Governor of the State of Tennessee, has, by solemn Proclamation, set apart Thursday, November 29th, inst., as a day of thanksgiving, prayer and solemn devotion to Almighty God; Therefore, be it

Resolved by the House of Representatives, That the motion to adjourn to-day, November 28, 1866, shall be until 9 o'clock, Friday morning, November 30, 1866.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 28, 1866.

NUMBER XXVII.

Resolved by the House of Representatives, That the action of Governor Brownlow, in receiving from Thomas H. Calloway, fifty thousand dollars in United States Currency, on Thomas A. Cleage's liability, as Cashier of the Branch of the Bank of Tennessee, at Athens, is approved by this House; Provided, this is no release or quit-claim to the parties for the residue.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted November 30, 1866.

NUMBER XXVIII.

JOINT RESOLUTION Directory to the Committee on the Elective Franchise.

WHEREAS, The subject of enlarging the privileges of the Elective Franchise is one of paramount importance to every loyal citizen of the State of Tennessee; Therefore, be it

Resolved by the House of Representatives, (the Senate concurring,) That the Joint Committee, to whom was referred the subject of the Elective Franchise, be, and they are hereby, earnestly requested to make their Report at the earliest practicable moment.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 1, 1866.

NUMBER XXIX.

JOINT RESOLUTION Raising a Committee, to take into consideration that portion of the Governor's Message that relates to the State Penitentiary.

WHEREAS, The General Assembly of the State of Tennessee has been requested by His Excellency, William G. Brownlow, Governor of the State of Tennessee, to take into consideration the condition and workings of our Penitentiary system; and *whereas*, it appears from the violent prejudices and high passions engendered by the war, have not so far subsided as to secure from juries, in many cases, that most sacred right, an impartial verdict; and *whereas*, from information, derived from numerous and reliable sources, and actual investigation, it appears that in some locations verdicts have been rendered, regardless of mercy and justice, against certain cases; Therefore, be it

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee of seven on the part of the House, and of — on the part of the Senate, be raised, to take into consideration this all important matter, and report to the Executive at the earliest practicable period.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 1, 1866.

NUMBER XXX.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That so much of Joint Resolution No. 109, declaring the adjournment of this Legislature sine die on the 10th inst., be, and the same is hereby rescinded.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 4, 1866.

NUMBER XXXI.

SENATE RESOLUTION.

Resolved, That the Senator from Dyer, the Hon. W. K. Hall, be requested to withdraw his resignation, till the termination of this session of the Legislature.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 4, 1866.

NUMBER XXXII.

SENATE RESOLUTION.

Resolved, That the Treasurer of the State report to the Senate, the amount of public moneys deposited by him, as Treasurer of the State, in the Fiscal Agencies, or other Banks of this State; and that he also report to the Senate, as Superintendent of Public Instruction, the condition of the School Fund, and its interest, known as 7-30 United States securities, and in what Bank he has deposited them, (if any,) as special deposits.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 4, 1866.

NUMBER XXXIII.

SENATE JOINT RESOLUTION.

WHEREAS, While it is important that this Session of the General Assembly should be as short as the public interest of the State and the people will admit, in view of the grave questions now pending before this body—a thorough and complete revision of the Revenue law of the State; the establishment of its finances on a solid basis, and the preservation, now and hereafter, of the credit of the State; a just and final adjustment of the Franchise question; a re-organization of the Judicial system of the State, to meet the wants of the people, and promote the ends of a speedy administration of justice; to provide a military establishment of the organized Militia of the State, to enforce order, and protect the ballot box, in case the contingency for its employment shall arise; and other grave and equally important measures, to make permanent and give solidity to the Government of the State, and secure the protection of its loyal people; and as the Christmas holidays will soon be upon us, and

in order that the members may have an opportunity to mingle with their constituents, and converse upon these important questions; Therefore,

Resolved by the Senate, (the House of Representatives concurring,) That this General Assembly will take a recess on the 17th of December, 1866, to meet again on the 14th of January, 1867; when, it is believed, the members can be better prepared to act on these important questions.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 5, 1866.

NUMBER XXXIV.

SENATE RESOLUTION.

It being suggested that Return J. Meigs, Librarian of the State of Tennessee, drew out of the Treasury of the State of Tennessee, the appropriation of \$5,500 for the year 1861, and deposited the same in the Bank of Tennessee for use, and afterwards expended said sum in the purchase of books for the Library, and in the payment of books for that year; also, drew upon the funds of 1862 for sixty dollars, which was also expended in the purchase of books for the Library, now in the Library, leaving a balance of sixty dollars due the Bank of Tennessee.

Resolved, That it be referred to the Committee on Claims, and said matter be investigated, and report thereof be made.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 6, 1866.

NUMBER XXXV.

Resolved by the House of Representatives of the State of Tennessee, That His Excellency, the Governor, be requested to furnish this House with the correspondence between himself and the Hon. David Campbell, in reference to the Chancellorship of the Fourth Division, as well as any other correspondence or information he may possess on the subject, not incompatible with the public interest.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted December 6, 1866.

NUMBER XXXVI.

SENATE RESOLUTION.

Resolved, That the Committee of Finance, and Ways and Means, be authorized to send for persons and papers, in any investigation entrusted to them, demanded by the interest of the State.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 10, 1866.

NUMBER XXXVII.

SENATE JOINT RESOLUTION.

WHEREAS, The Governor has received notice that the elegant gold medal voted to Major General Thomas, by the Legislature, at its former Session, is on its way here; and *whereas*, Saturday, the 18th inst., is the anniversary of the great battle of Nashville; Therefore,

Resolved by the General Assembly of the State of Tennessee, That we celebrate that day in this Capitol, by the presentation of said medal, and by other appropriate exercises; and that the Governor be requested to inform General Thomas of the same, and to invite his attendance, with his Staff, at the Capitol, on that occasion.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 10, 1866.

NUMBER XXXVIII.

JOINT RESOLUTION Directory to the Comptroller.

WHEREAS, Jesse Giles, Tax Collector for the County of Carroll, for 1861, collected said tax in Tennessee money, and refused to pay the same to the rebel authorities; and *whereas*, said Giles did come to the City of Nashville, in the latter part of 1865, or first of 1866, for the purpose of settling his account with the Comptroller; and *whereas*, the Comptroller declined to settle said account until he could examine the case; and *whereas*, said Giles deposited with the Comptroller the aforesaid funds, and the Comptroller being absent, from indisposition; Therefore, be it

Resolved by the General Assembly of the State of Tennessee, That the Comptroller issue his warrant to the Treasurer, to receive from the said Jesse Giles the funds deposited with the Comptroller as aforesaid, and receipt him for the same.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 10, 1866.

NUMBER XXXIX.

JOINT RESOLUTION.

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State of Tennessee, be, and is hereby, authorized and directed, to take prompt and decided means to recover the School Fund, which, it is ascertained, has been abstracted from its place of custody; and for this purpose, he be clothed with full and plenary power to use all the means which, in his judgment, may be necessary and proper.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 11, 1866.

NUMBER XL.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That a Committee of Arrangements be appointed, to make such arrangements as they may deem proper, to celebrate the anniversary of the battle of Nashville, on the 15th instant, and that said Committee consist of five on the part of the Senate, and — on the part of the House.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 11, 1866.

NUMBER XLI.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That the Comptroller, be, and he is hereby, authorized; under the supervision and instruction of the Governor, to borrow a sum of money, not to exceed \$250,000, to aid in the payment of the interest on the Public Debt, falling due 1st January, 1867. The sum so borrowed, anticipating the collection of revenue, shall be refunded as such revenue shall be paid in.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 11, 1866.

NUMBER XLII.

HOUSE RESOLUTION Authorizing Principal Clerk to copy House Journal during the Holidays.

Resolved by the House of Representatives of the State of Tennessee, That the Principal Clerk of the House of Representatives, is hereby authorized to copy the House Journal during the holidays, for which he shall receive his regular per diem and thirty cents per page, as heretofore allowed; and that the Comptroller issue his warrant, and the Treasurer pay the same. The same to be included in the General Appropriation Bill, at the close of the session.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted December 11, 1866.

NUMBER XLIII.

HOUSE RESOLUTION Directory to the Engrossing Clerk of the House.

Resolved by the House of Representatives of the State of Tennessee, That the Engrossing Clerk of the House of Representatives, is hereby instructed to remain at the Capitol, after adjournment on the 17th inst., a sufficient time to engross or enroll whatever Bills or Acts there may be ready for engrossment or enrollment, at said adjournment; and that the said Clerk shall receive his regular *per diem* for the same; and that the Comptroller issue his warrant, and that the Treasurer pay the same, and that said amount be put in the General Appropriation Bill, at the close of the session of this General Assembly.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted December 12, 1866.

NUMBER XLIV.

HOUSE RESOLUTION Directory to the Sergeant-at-Arms.

Resolved by the House of Representatives of the State of Tennessee, That the Sergeant-at-Arms, be, and he is hereby, authorized to request the publishers of the daily papers to send to the address of each of the members of this House, at his Post office, the number of papers he is entitled to under the Resolution of this House, during the recess, up to January 14, 1867.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

Adopted December 12, 1866.

NUMBER XLV.

SENATE RESOLUTION

Resolved; That a Committee of five be raised, to be known as the Committee on the Bank of Tennessee—one of the standing Committees of the Senate; that it shall be the duty of said Committee to take into consideration the whole subject matter of said Bank, and give it special consideration; that the Committee consider what amendments, if any, ought to be made to the Act of this General Assembly, providing for its liquidation; what progress has been made towards liquidation; and, in fine, to take charge of the whole subject matter of said Bank, and report by Bill, or otherwise.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 12, 1866.

NUMBER XLVI.

SENATE RESOLUTION.

Resolved by the Senate, That newspaper Editors be informed by the Door-keeper, that subscriptions made for newspapers, by Senators, will terminate on the 17th instant, and said Editors be requested to send in on the 14th of January next, and thereafter, until otherwise ordered, the newspapers now taken by said Senators.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 13, 1866.

NUMBER XLVII.

SENATE JOINT RESOLUTION.

WHEREAS, By the fourth section of An Act of this General Assembly, passed on the 28th day of February, 1854, entitled "An Act to continue the construction of the State Capitol," the north-western room in the business story of the State Capitol, and the office adjoining the same, was reserved, and set apart to the use of the United States, for the purpose of holding the Courts of the United States therein; and that when the United States should fit up and furnish said rooms as the Courts may desire, that they should hold said Courts during the pleasure of the State, for the purpose aforesaid; and *whereas*, the said rooms have been, and are now, furnished by the United States in a style much inferior to that in which the room of the Supreme Court of the State, and the other rooms in the State Capitol, are furnished; be it, therefore,

Resolved by the General Assembly, That the United States, or the proper Department of the Government, is requested to have said rooms furnished in a style comporting with the object or purpose for which said rooms are used, and with the other furniture in the building; and that the Secretary of State furnish the United States Marshals with a copy of this Resolution, to be forwarded to the proper Department at Washington.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 13, 1866.

NUMBER XLVIII.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That the Committee on Finance and Ways and Means, on the part of the Senate, and a Select Committee of five

on the part of the House, are hereby directed and authorized to sit during the recess, as a Committee of Investigation, to investigate and report upon the alleged frauds practiced upon the public interests; and that they are empowered to send for persons and papers, and report to the General Assembly in January next.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 13, 1866.

NUMBER XLIX.

HOUSE JOINT RESOLUTION Authorizing the Governor to have certain Machinery shipped from South Carolina, to Nashville.

Resolved by the General Assembly of the State of Tennessee, That His Excellency, Governor Brownlow, be, and he is hereby, authorized, to order that the machinery, referred to in the communication of J. L. Orr, Governor of South Carolina, as belonging to the State of Tennessee, be brought to Nashville, Tennessee, and there to remain in his hands, subject to the future action of the Legislature.

Be it further resolved, That the Comptroller of the State be authorized and directed, to issue his warrant on the Treasurer for an amount, to meet the expenses of bringing said machinery to Nashville.

WILLIAM HEISKELL,

Speaker of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted December 13, 1866.

NUMBER L.

SENATE RESOLUTION.

Resolved, That the Superintendent of the Capitol, be, and he is hereby authorized, to keep the Senate Chamber locked, excluding all persons therefrom, during the recess of this body.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted December 14, 1866.

NUMBER LI.

JOINT RESOLUTION Directory to our Representatives in Congress.

WHEREAS, By Act of Congress, approved July 2, 1862, a donation of Public Land is made to each State, under specified conditions, of thirty thousand acres for each Senator and Representative in Congress, to which the States are respectively entitled, under the census of 1860; and, *whereas*, under sub-section 7, of section 5, of said Act, it is provided that, "No State shall be entitled to the benefits of this Act, unless it shall express its acceptance thereof by its Legislature, within two years from the date of its approval by the President;" Now, therefore, be it

Resolved by the General Assembly of the State of Tennessee, That our Representatives in Congress be instructed, and our Senators be requested, to intercede for Tennessee, and use all reasonable and laudable efforts to have said sub-section 7, of section 5, of "An Act donating public lands to the several States and Territories, which may provide Colleges for the benefit of Agriculture and the Mechanical Arts," chapter 130, approved July 2, 1862, so amended, as to enable the State of Tennessee to accept the benefit of the provisions of said Act.

JAMES MULLINS,
Speaker pro tem. of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of Senate.

Adopted December 14, 1866.

NUMBER LII.

HOUSE RESOLUTION Tendering thanks to the Ladies of Rogersville, through the Speaker of the House.

Resolved by the House of Representatives, That the Hon. William Heiskell, Speaker of the House, tender to the Ladies of Rogersville, the thanks of this House, for their kind and distinguished invitation, to participate in a public dinner at Rogersville, in honor of the cause of Temperance, on the evening of the 25th inst., at 6 o'clock, P. M.

WILLIAM HEISKELL,
Speaker of the House of Representatives.
 Adopted December 14, 1866.

NUMBER LIII.

SENATE RESOLUTION.

Resolved by the Senate, That the Speaker of the Senate, be, and is hereby directed, to adopt all necessary means to procure and enforce the attendance of absent Senators, so as to obtain a quorum in the Senate without delay.

JOSHUA B. FRIERSON,
Speaker of the Senate.
 Adopted January 21, 1867.

NUMBER LIV.

SENATE RESOLUTION.

WHEREAS, We have learned with deep regret, of the untimely death of the Hon. Almon Case, a member of this body; Therefore, be it

Resolved by the Senate, That a Committee of three be appointed by the Speaker of the Senate, to draft suitable Resolutions, expressive of our high regard for the deceased, and sympathy with his family.

Resolved further, That as a mark of respect for the deceased, the Senate stand adjourned, until Wednesday the 23d inst., at 10 o'clock, A. M.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 22, 1867.

NUMBER LV.

SENATE RESOLUTION.

Resolved, That the Secretary of State, be, and is hereby, directed to furnish the Senate with the amount of State Bonds which have been issued, under Acts passed by this General Assembly, and for what purposes issued, and the present amount of State Bonds now outstanding, for which the State is liable.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 23, 1867.

NUMBER LVI.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That a Joint Select Committee, of two on the part of the Senate, and three on the part of the House, be raised, to take into consideration that part of the Executive Message, (No. 6,) in relation to "The State Treasurer," with power to send for persons and papers; and that they report, by bill or otherwise, to their respective Houses, with as little delay as possible.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 23, 1867.

NUMBER LVII.

RESOLUTION Referring certain portions of Governor's Message to appropriate Committees.

Resolved by the House of Representatives of the State of Tennessee, That so much of the Governor's Message as relates to the State Treasurer, be referred to the Joint Select Committee provided for by S. J. R. No. 19, to consist of three on the part of the House. That the subject of suffrage, be referred to the Committee on Franchise; that on the Tennessee & Pacific Railroad, to the Committee on Internal Improvements; that on the School Bill, to a Joint Select Committee, of five on the part of the House, and — on the part of the Senate; that on the Accounts of the Railroad Companies, to a Joint Select Committee of three on the part of the House, and — on the part of the Senate; that on the Payment of the Interest of the State, to the Committee on Finance; and that on Criminal Prosecutions, to the Committee on the Judiciary.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

Adopted January 23, 1867.

NUMBER LVIII.

SENATE RESOLUTION.

WHEREAS, The Senate of Tennessee have heard, with profound sorrow, of the sudden and violent death, by the hands of an assassin, of the Hon. Almon Case, late a member of this body, from the 22d Senatorial District, and also of the Constitutional Convention of 1865; Therefore, be it

Resolved by the Senate of the State of Tennessee, convened in General Assembly, That in the death of Senator Case, his friends mourn the taking away of a gentleman of refinement and culture; his fellow-citizens grieve at the loss of a kind and liberal neighbor, honored for his exalted worth, and beloved for his unobtrusive charity and his many noble traits; his District is deprived of the services of an able, vigilant Senator; this body laments a wise, prudent, just and upright legislator; the State deplores one of the noblest and truest of her law-givers, stricken down in the midst of his usefulness; the country loses a high-minded and firm patriot, whom neither persuasion could seduce, nor danger swerve from the path of duty; the friends of education, of progress and of equal rights, mourn the privation of an enlightened counselor; and all admirers of public and private virtue, are bereft of the high example of a man of personal uprightness and official integrity, who has sealed his devotion to principle with his life.

Be it further resolved, That in circumstances attending his death, we are moved to express anew our deep indignation at the spirit of hatred, malice, and all uncharitableness, the legitimate fruits of treason, which prompted the cowardly act by which Senator Case was removed from among us.

Be it further resolved, That we tender to the bereaved widow and family of our departed brother, our sincere sympathy in their unspeakable affliction.

Be it further resolved, That in testimony of our sorrow, we wear the usual badge of mourning for thirty days

Be it further resolved, That a copy of these Resolutions be transmitted to the family of the deceased.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 24, 1867.

NUMBER LIX.

RESOLUTION Allowing mileage and *per diem* to Graves and Davidson.

Resolved by the House of Representatives of the State of Tennessee, That M. A. Graves, of Jackson County, be allowed his mileage and per diem, from the day he entered his protest against the right of William Davidson to hold his seat in this House, and claimed the same for himself; and also, that William Davidson be allowed his per diem and mileage up to, and including, January 24th inst.; and that the same be included in the General Appropriation Bill.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

Adopted January 25, 1867.

NUMBER LX.

HOUSE RESOLUTION Directing the Door-keeper to procure twelve copies of the Code of Tennessee, for the use of the House.

Resolved by the House of Representatives of the State of Tennessee, That twelve copies of the Code of the State of Tennessee be furnished, for the benefit of said House; and that the Door-keeper be authorized to procure the same; and that the expense of procuring the same be included in the General Appropriation Bill.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

Adopted January 25, 1867.

NUMBER LXI.

RESOLUTION Declaring vacant the seat occupied by the Hon. William Davidson.

Resolved by the House of Representatives of the State of Tennessee, That the seat now held and occupied by Hon. William Davidson is hereby declared vacant; and that the Governor be requested to call an election to fill said vacancy.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

Adopted January 25, 1867.

NUMBER LXII.

SENATE JOINT RESOLUTION.

Resolved by the Senate, (the House concurring,) That the Governor be, and he is hereby, requested, to offer a reward of two thousand dollars, for the apprehension of the assassin of the late Hon. Almon Case.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 25, 1867.

NUMBER LXIII.

JOINT RESOLUTION Calling a Convention to elect a State Treasurer, and an Entry Taker for the Ocoee District.

Resolved by the General Assembly of the State of Tennessee, That the Members of this General Assem-

bly, convene in the House of Representatives, on the 31st January, 1867, at 11 o'clock, A. M., for the purpose of electing a State Treasurer, to fill the vacancy caused by the resignation of the former Treasurer, R. L. Stanford; and further, to elect an Entry Taker for the Ocoee District in this State.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 28, 1867.

NUMBER LXIV.

JOINT RESOLUTION to Consider that portion of Executive Message that relates to the School Bill.

Resolved by the General Assembly of the State of Tennessee, That a Joint Select Committee, of five on the part of the House, and three on the part of the Senate, be appointed, to take into consideration that part of the Governor's Message which relates to the School Bill.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 28, 1867.

NUMBER LXV.

JOINT RESOLUTION Raising a Committee to settle with Commissioners of certain Turnpike Companies.

WHEREAS, By former Acts of the General Assembly, appropriations of State Bonds were made for the

completion of the Cumberland & Stone's River Turnpike Road, on condition that the whole net proceeds arising from the collection of tolls paid into the State Treasury; Therefore, be it

Resolved, That a Committee of two, on the part of the House, and one on the part of the Senate, be appointed to investigate the affairs of said company, and effect an equitable settlement with the Commissioners or Directors thereof.

JAMES MULLINS,

Speaker pro tem of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 28, 1867.

NUMBER LXVI.

JOINT RESOLUTION Rescinding part of a Resolution.

Resolved by the General Assembly of the State of Tennessee, That so much of a Joint Resolution, as referred all Bills on Franchise to a Joint Select Committee on Franchise, be, and is hereby, rescinded.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 28, 1867.

NUMBER LXVII.

SENATE JOINT RESOLUTION.

WHEREAS, Certain causes at law, involving the question of the constitutionality of the Franchise Act, are

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now pending in the Supreme Court, in session in Nashville:

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State, be, and is hereby, requested, to employ two or more counselors, learned in the law, to appear before said Court, and argue said causes, on behalf of the State of Tennessee.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 29, 1867.

NUMBER LXVIII.

WHEREAS, Joint Resolution No. 21, authorizes His Excellency Governor Brownlow, to offer a reward of two thousand dollars for the arrest and apprehension of Frank Farris, the murderer of Senator Case; and, *whereas*, The arrest and delivery of the said Farris, to the Sheriff or Jailor of Obion County, as now provided for by law, would only result in a humiliating failure, and thereby defeat the purposes for which said reward was offered, believing that the friends of the said Farris would arrest, deliver him up, claim the reward, and then release him; Therefore, be it

Resolved by the House of Representatives, (the Senate concurring,) That, Senate Joint Resolution No. 21, be so amended, that the party arresting shall be entitled to said reward of two thousand dollars, upon the arrest and delivery of said Farris, to the care and safe-keeping of the Sheriff or Jailor of Davidson County, or the Sheriff or Jailor of Shelby County, Tennessee, until such times as a trial can be had in the premises.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted January 29, 1867.

NUMBER LXIX.

Resolved by the House of Representatives of the State of Tennessee, That W. W. Coleman be allowed to draw his mileage and per diem, while in attendance upon this House, awaiting the result of his credentials as a member of this House, from the County of Shelby, filed on the 5th day of November last, and that the sum be included in the Appropriation Bill.

JAMES MULLINS,

Speaker pro tem. of the House of Representatives.

Adopted February 1, 1867.

NUMBER LXX.

SENATE RESOLUTION.

Resolved, That the Treasurer of the State report to the Senate, the amount of uncurrent and worthless money in his hands, specifically setting forth the kind and amount.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 2, 1867.

NUMBER LXXI.

JOINT RESOLUTION to Investigate the cause of the suspension, etc., of certain Banking Institutions.

WHEREAS, It is apparent, that the people of this State have, and are now, sustaining great losses on ac-

count of Banks, doing business under Charters, and other Free Banks in this State, by suspension or non-redemption of their issues; and, *whereas*, said Banks have violated certain provisions of their Charters and Banking Laws of this State; and, *whereas*, it is the duty of this General Assembly to protect the interest of the citizens of our State, against any such violations detrimental thereto, or any fraud that may have been practiced by any of said Banks; Therefore, be it

Resolved by the General Assembly of the State of Tennessee, That this General Assembly, take prompt and decisive steps to investigate the cause of such suspension, and non-redemption of their issues.

Resolved further, That in view of accomplishing the intent of this Resolution, the State Comptroller be requested to furnish this General Assembly, with the amount of State and other Bonds, deposited in said Comptroller's office as security for said Banks, with the reports last made by said Banks, prior to the rebellion, and all other important information in reference thereto, in his possession.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 4, 1867.

NUMBER LXXII.

JOINT RESOLUTION Directory to the Comptroller and Commissioner of Roads.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller of the State and Commissioner of Roads in this State, be requested to inform this General Assembly, at as early a period as possible, the condition of the accounts of the State, with the different railroads in this State.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 4, 1867.

NUMBER LXXIII.

WHEREAS, It has come to the knowledge of this General Assembly, that certain murders and outrages have been committed in the County of Obion, in this State; and, *whereas*, from more recent information, we are led to believe, that there is a combination existing in said County, to drive out from that section of the country, a portion, if not all, the radical Union men in said County; Therefore, be it

Resolved by the General Assembly of the State of Tennessee, That a Special Committee of three on the part of the House, and two on the part of the Senate, be appointed, to examine into the condition of things above referred to, with power to send for persons and papers, and report to this General Assembly, at the earliest day practicable.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 7, 1867.

NUMBER LXXIV.

SENATE JOINT RESOLUTION.

WHEREAS, The Tennessee Pacific Railroad Company, recently chartered by the General Assembly of this State, has memorialized Congress for a grant of public lands, in aid of the construction of the road, as a necessary link in the connection of the road between the Atlantic and Pacific, on the shortest route through the interior of the country—the said road connecting by the way of Memphis, Little Rock and Fort Smith, with the road chartered by Congress, through Arkansas, Indian Territory, and Northern Texas, etc.

Resolved by the General Assembly of the State of

Tennessee, That having in view the importance of the enterprise, in binding together all the sections of the State, in developing in mineral resources, in opening to population and settlement so large a tract of soil of the greatest capabilities, in addition to the national importance of the work, the said grant of public land, (to be located on or near the line of the intersection of the road west of the Mississippi,) is respectfully and urgently recommended, and the Senators and Representatives of the State are requested to urge the matter upon the attention of the Congress.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 7, 1867.

NUMBER LXXV.

SENATE JOINT RESOLUTION.

WHEREAS, The Hon. David T. Patterson, Senator of the United States Senate from the State of Tennessee, was elected by this General Assembly, as a member of the National Republican Union party, in full confidence that he was a true and sincere member of that party, (the party which preserved the national unity,) and would in good faith support its principles and measures; and *whereas*, greatly to the surprise and regret of this General Assembly and the loyal people of Tennessee, he has identified himself with the so-called Democratic party, (the party which for four years endeavored to destroy the national unity,) and is giving it his support.

Resolved, By reason thereof, Senator Patterson has ceased to have the confidence of this General Assembly and the loyal people of Tennessee; and is hereby respectfully requested to resign the seat which he now holds in the Senate of the United States from the State of Tennessee.

Resolved, That the Secretary of State of the State

of Tennessee be directed to inclose to Senator Patterson a copy of this Resolution, and also to enclose a copy to the President of the Senate of the United States.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 7, 1867.

NUMBER LXXVI.

HOUSE RESOLUTION Directory to the Managers appointed and elected to prosecute the Impeachment of Thomas N. Frazier, Judge of the Criminal Court of Davidson County.

Resolved by the House of Representatives of the State of Tennessee, That the Managers appointed and elected on the part of the House, to prosecute the impeachment of Thomas N. Frazier, Judge of the Criminal Court of Davidson County, be authorized to call upon the Governor for the employment of Counsel, learned in the law, to assist in the prosecution of such impeachment; and that the Governor do allow a reasonable compensation to such Counsel for their services, and do certify the same to the Comptroller and Treasurer, for payment.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

Adopted February 11, 1867.

NUMBER LXXVII.

HOUSE RESOLUTION, Benefit of Hon. P. Pearson.

WHEREAS, P. Pearson, of the County of Henderson, was entitled to mileage for three hundred miles, during

the last session of this General Assembly; and *whereas*, he only received mileage for one hundred miles; Therefore, be it

Resolved by the House of Representatives of the State of Tennessee, That the Treasurer of the State pay to P. Pearson the sum of thirty-two dollars, balance due as mileage for the last session of this General Assembly, and the same be included in the Appropriation Bill.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

Adopted February 11, 1867.

NUMBER LXXVIII.

SENATE JOINT RESOLUTION.

WHEREAS, A Joint Committee was appointed, on or about the 12th of December last, by this Legislature, to inquire into the condition of the School Fund of the State; Therefore,

Resolved by the Senate, (the House concurring,) That the Committee be, and are hereby, requested, to report to this General Assembly the result of their investigation, and what is the present condition of said School Fund, and where it is now deposited.

Resolved further, That they be requested to report all facts in their possession, concerning the former management of said fund, and its present actual condition.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 12, 1867.

NUMBER LXXIX.

Resolved, That the Comptroller of the Treasury issue his warrant to the Door-keeper of the Senate for two hundred and fifty dollars, to purchase postage stamps for the use of the members and officers of the same, to be placed in the General Appropriation Bill of this session.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted February 14, 1867.

NUMBER LXXX.

SENATE JOINT RESOLUTION.

Resolved by the General Assembly of the State of Tennessee, That the Members of the Senate and House of Representatives, meet in the Hall of the House, on Wednesday, the 20th day of February, 1867, at 11 o'clock, A. M., for the purpose of electing a Public Printer and Comptroller, for two years succeeding the term of the present incumbent.

J. S. MULLOY,
Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted February 19, 1867.

NUMBER LXXXI.

HOUSE RESOLUTION Requiring the Treasurer to report the amount of money paid out for Metropolitan Police purposes, &c.

WHEREAS, Very heavy sums of money have been paid out of the State Treasury for Metropolitan Police

purposes, amounting in all to some eighty thousand dollars, and *whereas*, it is unknown whether any part of the same has been paid into the Treasury by said incorporations; Therefore, be it

Resolved by the House of Representatives of the State of Tennessee, That the Treasurer be required to report to this House, the amount paid out for Metropolitan Police purposes, and the amount paid in, if any, from the same sources, together with whatever information he may be in possession of in regard to reimbursing the Treasury, fully, for the moneys already expended in this behalf; and to ascertain the actual amount of costs arising from the various disruptions and suspensions of business of this General Assembly, caused by refractory members of this House.

Resolved, That the subject matter of the Resolution be referred to a Select Committee of five, and that they be requested to report all the facts connected with the necessity of said expenditure from the State Treasury.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.
Adopted February 21, 1867.

NUMBER LXXXII.

HOUSE RESOLUTION Raising a Committee to investigate the affairs of the Bank of Tennessee.

Resolved, by the House of Representatives of the State of Tennessee, That a Committee of five be appointed to investigate the affairs of the Bank of Tennessee, with power to send for persons and papers, and report the result of their labors to this body, at their earliest convenience.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.
Adopted February 21, 1867.

NUMBER LXXXIII.

JOINT RESOLUTION Directory to our Senators and Representatives
in Congress.

Resolved by the General Assembly of the State of Tennessee, That our Senators in Congress be instructed, and our Representatives be requested, to use their efforts to secure the quota of arms from the General Government to which the State of Tennessee is entitled by law.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to secure one of the forts in the vicinity of Nashville, as an arsenal for the depository of the aforesaid arms.

Resolved, That His Excellency, the Governor, be instructed to forward a copy of these resolutions to each member of our Congressional delegation, and call his special attention to the same.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 21, 1867.

NUMBER LXXXIV.

SENATE RESOLUTION.

WHEREAS, The Congress of the United States, did, on the 2d day of July, 1862, grant to all the loyal States a large donation in land, for the purpose of endowing an Agricultural College in each State; and, *whereas*, the State of Tennessee has now fully resumed her political connection with the Government, and is recognized as one of the loyal States, and as such, is fully entitled to the benefit of this generous donation; Therefore,

Resolved by the Senate, That a Committee of three members be appointed to inquire into, and bring this subject properly before the Senate, for its action, and that said Committee report, at as early a day as practicable, what further action is necessary to secure the benefit of this fund, and, also, what disposition shall be made of it when secured.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 21, 1867.

NUMBER LXXXV.

HOUSE RESOLUTION Tendering the use of the Hall of the House of Representatives to the Independent Order of Odd Fellows.

Resolved by the House of Representatives of the State of Tennessee, That the use of this Hall be tendered to the Independent Order of Odd Fellows, on the evening of the 26th day of April next, for the purpose of an annual celebration.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

Adopted February 26, 1867.

NUMBER LXXXVI.

SENATE JOINT RESOLUTION.

Resolved by the Senate and House of Representatives, That the Treasurer and Comptroller be authorized to sell the uncurrent money in the Treasury, amounting to \$6,590; and the Comptroller is hereby authorized to issue a warrant to the Treasurer for the difference be-

tween the par value and the price for which said un-current money shall be sold.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 26, 1867.

NUMBER LXXXVII.

SENATE JOINT RESOLUTION.

WHEREAS, Memucas Howard, Esq., of the City of Nashville, has offered, in a written communication to the General Assembly, to donate to the State of Tennessee, as a site for the Blind School of the State, on certain terms therein stated, a certain tract of land, situated on the Lebanon Turnpike Road, near the City of Nashville, containing seven acres, or thereabout,

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State may accept the donation of the tract of land, on the terms offered, if in his judgment it ought to be accepted, and if so, receive a deed in the name of the State of Tennessee, cause the same to be registered in the Register's office of Davidson, and file the same in the office of Secretary of State. The expenses of said deed, to be audited and paid out of the Treasury of the State.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 26, 1867.

NUMBER LXXXVIII.

SENATE JOINT RESOLUTION.

WHEREAS, The compensation of the Members of the General Assembly of the State of Tennessee, was prescribed in the Constitution, and by Statutes made in pursuance thereof, at the rate of six dollars *per diem* to the Speakers, and four dollars *per diem* to Members, and mileage, at the rate of four dollars for every twenty-five miles, to and from the Capitol, and certain fixed sums to its Clerks and other Officers; and, *whereas*, said compensation was established on a specie basis, and was always paid in specie or its equivalent, and was deemed reasonable compensation; and *whereas*, during the sessions of this General Assembly, whilst in session, from October, 1865, to the close of this General Assembly, the same compensation, on the same specie basis, is not deemed an increased compensation, but is a Constitutional one, and reasonable in itself, and ought to be paid, as heretofore; Therefore,

Resolved by the General Assembly of the State of Tennessee, That the compensation of the Speakers, Members and Officers of this General Assembly, ought to be, and is payable in specie, from October, 1865, to the close of its term, (while in session,) and that the Comptroller audit the accounts of the Speakers, Members and Officers, from October, 1865, to the close of this session, on a specie basis, and issue warrants to each, on the State Treasury, for the sum due him, payable in specie or its equivalent, and that the same be so provided for in the General Appropriation Bill.

J. S. MULLOY,

Speaker pro tem of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted February 26, 1867.

NUMBER LXXXIX.

SENATE JOINT RESOLUTION.

Resolved by the General Assembly of the State of Tennessee, That the Governor of the State of Tennessee, be, and is hereby, authorized, empowered and directed to purchase the Banking House and lot of the Bank of Tennessee, situate in the City of Nashville, and now in possession of the President and Directors of the Bank of Tennessee, at a fair valuation by two or more disinterested citizens of the State, to be appointed by the Governor, and the President and Directors of the Bank; or, if in the opinion of the Governor, he deem it best for the interests of the State, when said house and lot shall be exposed to sale, as provided by law, the Governor is hereby authorized and empowered to bid for said house and lot, and buy the same, at such price as he may, after full inquiry and information, deem reasonable; that he shall take a deed for the same in the name of the State of Tennessee, cause the same to be registered in Davidson County, and is hereby invested with full power to complete said purchase, by giving the Bonds of the State according to the terms of purchase.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 1, 1867.

NUMBER XC.

SENATE JOINT RESOLUTION.

Resolved by the General Assembly of the State of Tennessee, That the Joint Special Committee appointed

to look after the Common School Fund, deposited in the Tennessee National Bank, of Memphis, be, and they are hereby, requested, to report whether their investigations authorize the conclusion, that R. L. Stanford, the former Treasurer of the State, has been guilty of complicity with any parties detrimental to the interest of the State, and whether he has been guilty of malfeasance in office, at any time. Also, whether said Committee know the present condition of said fund.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 1, 1867.

NUMBER XCI.

SENATE JOINT RESOLUTION.

WHEREAS, The Constitution of the United States guarantees to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, when the Legislature cannot be convened, against domestic violence; from representations made to this body, we have reason to believe that in many counties in this State such a condition does now exist; that violence has prevailed over civil law, and riot and murder go unpunished; Be it

Resolved by the General Assembly of the State of Tennessee, That the Governor be requested to apply to the United States, through General Thomas, the Commander of this Department, for a sufficient force of United States soldiers to keep the peace, and restore order and quiet in our State.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 1, 1867.

NUMBER XCII.

JOINT RESOLUTION to adjourn *sine die*.

Resolved by the General Assembly of the State of Tennessee, That the General Assembly adjourn *sine die* on Monday, the 11th day of March, 1867, at 12 o'clock, M.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 1, 1867.

NUMBER XCIII.

SENATE RESOLUTION.

Resolved by the Senate, That immediately after the adjournment of the General Assembly *sine die*, the Senate will form itself into a Court of Impeachment, for the trial of the impeachment case in which the State of Tennessee is plaintiff, and Thomas N. Frazier, Judge of the Criminal Court of Davidson County, is defendant.

Resolved further, That a message be sent to the House of Representatives, notifying it that immediately after the adjournment of the General Assembly *sine die*, viz: on the 11th of March, 1867, the Senate will, as a Court of Impeachment, proceed to fix the preliminaries for the trial of Judge Frazier upon impeachment made by the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 4, 1867.

NUMBER XCIV.

HOUSE RESOLUTION Directory to the Governor and Comptroller of the Treasury.

Resolved by the House of Representatives of the State of Tennessee, That the Governor be, and he is hereby, required to issue his order to the Comptroller, to issue his warrant to H. H. Harrison, W. H. Wisener, J. J. Noah, and A. E. Otis, for one hundred dollars each, for their services as Attorneys in the defense of suits pending in the Circuit Court of Davidson County, in the case of P. Williams and A. J. Martin *vs.* G. W. Anderson, and divers other members of the House of Representatives of the General Assembly of the State of Tennessee; also, that said Comptroller issue his warrant to B. M. Tillman, Esq., for fifty dollars, for defending the Franchise Agent of Rutherford County; Shubrook, before the Circuit Court in Murfreesboro, in the case of B. L. Ridley *vs.* said Franchise Agent, and that said Comptroller issue his warrant for the same; and that the said Comptroller, by order of the Governor, issue his warrant to the Clerk of the Court trying the case or cases, for such costs and damages, or either, as may be decreed or adjudged, if any, in the said case or cases of P. Williams or A. J. Martin, late members of the House of Representatives, *vs.* the said G. W. Anderson, and divers other members of said House, on account of said Anderson and other members having enforced, or attempted to enforce, the rules of the said House of Representatives, compelling the said Williams and Martin, as refractory members of said House, to comply with the long established rules of said House—the same being in accordance with the rules, the Constitution of the State, and Parliamentary law and order; and that the same be provided for in the Appropriation Bill.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.
Adopted March 4, 1867.

NUMBER XCV.

SENATE RESOLUTION.

Resolved by the Senate, That one hundred and forty copies of the Articles of Impeachment preferred by the House of Representatives against Thomas N. Frazier, Judge of the Criminal Court of Davidson County, his answer, and the replication thereto, when made, be printed, for the use of the Court of Impeachment, the Managers of the prosecution, and the Counsel of defendant.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted March 5, 1867.

NUMBER XCVI.

WHEREAS, In Tennessee the late civil conflict spent its greatest fury, and the sufferings of her loyal people, and their losses of life and of property were extraordinary, and almost without a parallel; Therefore, be it

Resolved by the General Assembly of the State of Tennessee; That our Senators in Congress are hereby instructed, and our Representatives requested, to use all honorable means to have Tennessee exempted from the payment of any direct or Internal Revenue tax for the years 1867 and 1868.

Resolved further, That the Governor of the State is hereby required to immediately transmit to each of our Senators and Representatives in Congress, a copy of this Preamble and Resolutions.

J. S. MULLOY,
Speaker pro tem. of the House of Representatives.
JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted March 6, 1867.

NUMBER XCVII.

JOINT RESOLUTION Directory to the Governor.

Resolved by the General Assembly of the State of Tennessee, That the Governor be instructed to remove the present Receiver of the Memphis, Clarksville & Louisville Railroad, and appoint another in his place.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 5, 1867.

NUMBER XCVIII.

HOUSE RESOLUTION Directory to the Members.

Resolved by the House of Representatives, That the members furnish the Comptroller with the names and number of daily papers subscribed for; and that the Comptroller pay for not more than three daily papers for each member.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

Adopted March 8, 1867.

NUMBER XCIX.

JOINT RESOLUTION Authorising the Comptroller, Treasurer and Secretary, to settle with the Securities, etc., of C. Green, deceased.

Resolved by the General Assembly of the State of Tennessee, That the Comptroller, Treasurer and Secre-

tary of State, or any two of them, are hereby authorized to make settlement with the securities or representatives of C. Green, deceased, Tax Collector for Robertson County, for the year 1858, for any balance due the State of Tennessee, upon such terms as they may consider for the best interests of the State.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 9, 1867.

NUMBER C.

Resolved, That two thousand copies of the Act known as the Common School Law, be published in the German Language, for the use of the Senate.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 9, 1867.

NUMBER CI.

SENATE RESOLUTION.

Resolved by the Senate, That ten thousand copies of the "School Law," and ten thousand copies of the "Indemnity Bill," be printed for the use of the Senate, and the same forwarded *pro rata*, to the members of the Senate, by the Superintendent of the Capitol.

JOSHUA B. FRIERSON,

Speaker of the Senate.

Adopted March 11, 1867.

NUMBER CII.

SENATE RESOLUTION.

Resolved by the Senate, That one thousand copies of the Franchise Act be printed, for the use of its members and the various Registering Commissioners throughout the State.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted March 11, 1867.

NUMBER CIII.

SENATE RESOLUTION.

Resolved by the Senate of the State of Tennessee, That we return to the Hon. J. B. Frierson, Speaker of this body, our sincere thanks, for the patient and impartial manner in which he has presided over the deliberations of the Senate; and in his retirement, he will carry with him our best wishes for his health and prosperity.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted March 11, 1867.

NUMBER CIV.

SENATE RESOLUTION.

Resolved by the Senate, That the thanks of this body are hereby tendered to H. G. Flagg, Principal Clerk;

Clay Newland, Engrossing Clerk; W. T. Cate, Door-keeper, and B. F. Smith, Messenger, for the efficient and faithful manner with which they have discharged the arduous duties of their respective stations.

JOSHUA B. FRIERSON,
Speaker of the Senate.

Adopted March 11, 1867.

NUMBER CV.

HOUSE RESOLUTION Tendering thanks to the Speaker *pro tem*; the Clerks and Officers of the House of Representatives.

Resolved by the House of Representatives, That the thanks of the members of this body, be, and they are hereby, tendered to our able, affable and efficient Speaker pro tem, Dr J. S. Mulloy, and to the Clerks and other Officers, for their efficient and courteous attention on this body during its sitting.

J. S. MULLOY,

Speaker pro tem. of the House of Representatives.
Adopted March 11, 1867.

NUMBER CVI.

HOUSE RESOLUTION Tendering the thanks of the House to Hon. William Heiskell, Speaker of the House.

Resolved by the House of Representatives of the State of Tennessee, That we deeply regret the necessity which causes the absence of the Hon. William Heiskell, Speaker of this House, and that we tender him our thanks for the able, dignified and impartial manner in

which he presided over this body, while with us. We also tender our best wishes for the speedy recovery of his former health and spirits.

J. S. MULLOY,

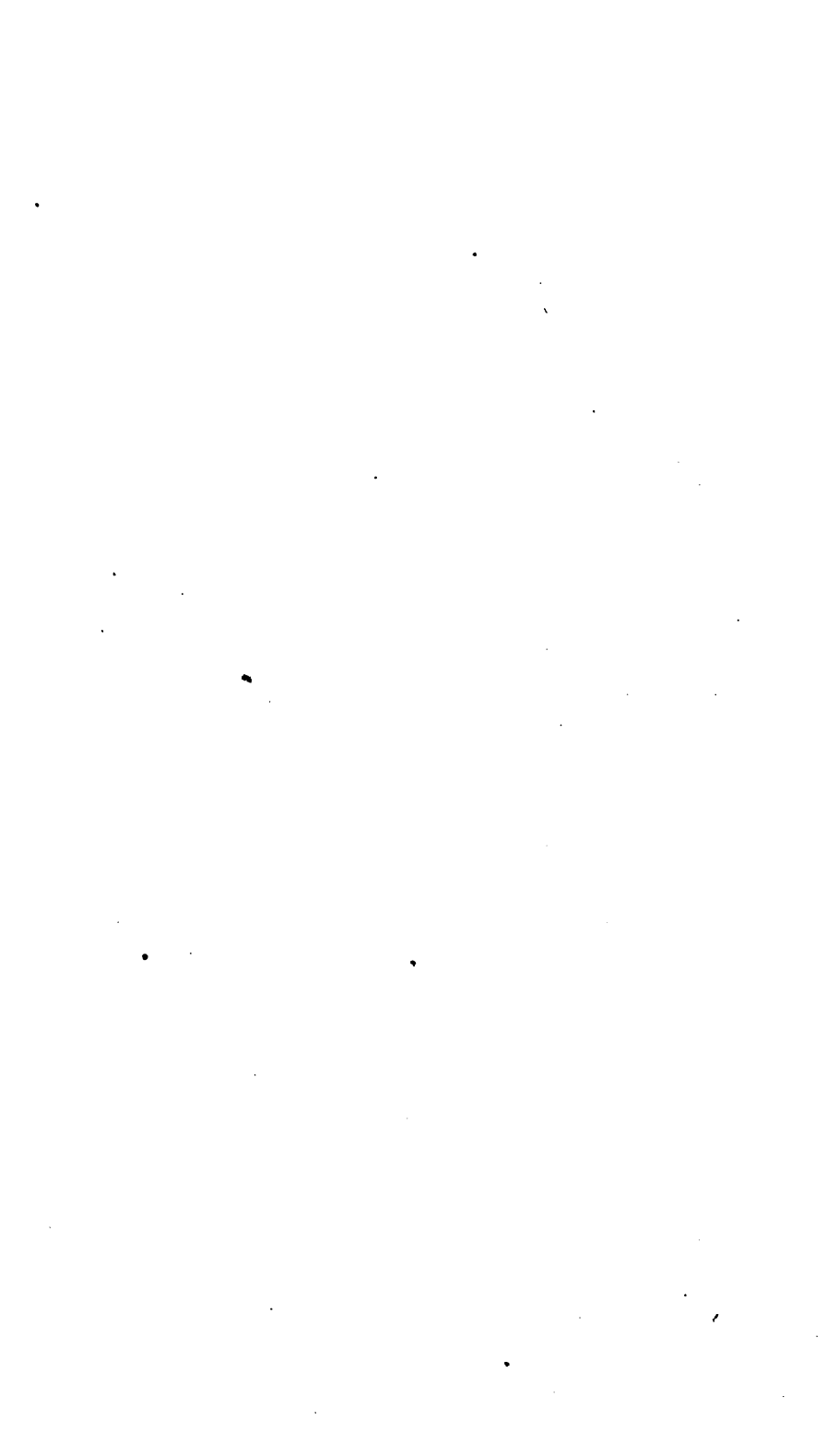
Speaker pro tem. of the House of Representatives.

Adopted March 11, 1867.

STATE OF TENNESSEE,
OFFICE, OF THE SECRETARY OF STATE,
Nashville, May 10, 1867.

I, ANDREW J. FLETCHER, Secretary of State of the State of Tennessee, hereby certify, that I have carefully collated the foregoing documents, with authentic copies on file in my office, and find them correctly printed.

ANDREW J. FLETCHER,
Secretary of State.



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